

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 18-CR-00538(MKB)
:
:
-against- : United States Courthouse
:
:
February 16, 2022
9:30 a.m.
NG CHONG HWA, :
Defendant. :
- - - - - X

TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL
BEFORE THE HONORABLE MARGO K. BRODIE
UNITED STATES CHIEF DISTRICT JUDGE

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1 (In open court - jury not present.)

2 THE COURT: Good morning, everyone. Please be
3 seated. Bring in the jury.

4 So before the jury comes in, one of the jurors who
5 indicated yesterday that he has, you can be seated, who has
6 the proceeding, has the medical issue with his wife, it is
7 tomorrow. He does need to be there. It is at 10:00 o'clock,
8 and he thinks it will particular a few hours. He might be
9 done by 1:00 and could be here. So the question is -- and the
10 parties can think about it, and we will talk about it some
11 more during the break -- whether we switch to an afternoon
12 schedule tomorrow to accommodate that juror, if you want to,
13 or if you want to take some other action. Okay.

14 MR. ROLLE: Can we have a little time to think about
15 it?

16 THE COURT: Yes, you can. We will talk about it
17 later.

18 MR. ROLLE: Judge, I want to just note logistical,
19 we would ask the Court's permission, we have set up two boards
20 for demonstratives at some point this morning and then direct
21 Ms. Smith, with Your Honor's permission, put photographs on to
22 the board.

23 THE COURT: Sidebar.

24 MS. GERAGOS: We have one update, Your Honor, about
25 the discovery issue from yesterday. We did load it into our

1 system when we got it two nights ago, but it is not yet in a
2 reviewable form for us to start looking at. We will let you
3 know once it is. I just wanted to keep you apprised of the
4 situation.

5 THE COURT: Okay. So the other thing we should
6 consider is not sitting at all tomorrow and you using that
7 time to come up to speed on the additional information.

8 MR. ROLLE: Judge, that was going to be I think our
9 initial reaction from the Government. We certainly don't
10 mind.

11 MS. GERAGOS: If it's loaded in, that would make
12 sense. But right now it's not.

13 THE COURT: If it's not, you won't have access to
14 anything?

15 MS. GERAGOS: Right.

16 THE COURT: So we will discuss that further today.
17 Is the witness here?

18 MR. ROLLE: Yes, Your Honor.

19 THE COURT: You should have him ready to come in as
20 soon as the jury is in. Just bring him in on the side.

21 (The jury enters the courtroom.)

22 THE COURT: Please be seated, everyone. Good
23 morning, members of the jury.

24 THE JURY: Good morning.

25 THE COURT: I hope you had a great night last night

1 and we're going to continue this morning with the Government's
2 next witness.

3 Could the Government please call its witness?

4 MR. ROLLE: Yes, Your Honor.

5 The Government calls Tim Leissner.

6 THE COURT: Good morning. Could you please stand
7 and raise your right hand.

8 THE COURTROOM DEPUTY: Do you solemnly swear or
9 affirm that the answers you're about to give to the Court will
10 be the truth, the whole truth and nothing but the truth?

11 THE WITNESS: I do swear.

12 THE COURT: Please state your name for the record.

13 THE WITNESS: Tim Leissner.

14 THE COURT: Please have a seat and spell your last
15 name for the record.

16 THE WITNESS: Leissner, L-E-I-S-S-N-E-R.

17 THE COURT: Thank you. And I'm going to ask you to
18 speak into the mic when you do speak. Please proceed.

19 THE WITNESS: Yes, Your Honor.

20 MR. ROLLE: Thank you, Your Honor.

21 **TIM LEISSNER,**

22 called as a witness, having been first duly

23 sworn/affirmed, was examined and testified as follows:

24 **DIRECT EXAMINATION**

25 **BY MR. ROLLE:**

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1 Q Good morning, Mr. Leissner. If you could remove your
2 mask at this point.

3 How old are you, Mr. Leissner?

4 A I'm 52 years old.

5 MR. ROLLE: And the microphone is a little low. I
6 think that we can raise it up a little bit so we can be sure
7 everyone in the courtroom can hear you.

8 THE WITNESS: Sure.

9 THE COURT: Just pull it closer to you. Go ahead,
10 Pierre, just make sure it is working properly.

11 A Is this better? All right.

12 Q Just try to keep your voice up --

13 A Yep.

14 Q -- so everyone can hear you recognize and clearly?

15 A Certainly.

16 Q How old are you?

17 A I'm 52-year-old.

18 Q Where were you born?

19 A In Berlin, Germany.

20 Q What is your first language?

21 A German.

22 Q Do you speak and understand English?

23 A I do so, sir.

24 Q Where did you grow up?

25 A I grew up in Germany for most of my young life and then I

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1 was traveling around the world working in many different
2 places.

3 Q Are you a citizen of any other countries?

4 A I'm also a Brazilian citizen.

5 THE COURT: Mr. Rolle, we are not hearing you
6 clearly, so you need to speak into the mic.

7 MR. ROLLE: Yes, Your Honor.

8 Q What countries are you a citizen of?

9 A Germany and Brazil.

10 Q What country do you currently live in?

11 A In the United States.

12 Q How far did you go in school?

13 A I went to graduate school and have an M.B.A. and a D.B.A.

14 Q Did you go to undergraduate as well?

15 A Yes, I did.

16 Q Sir, when did you get your bachelor's degree?

17 A 1989.

18 Q What was that in?

19 A In business.

20 Q And you said you had an M.B.A. What is that?

21 A A Master of Business Administration, sir.

22 Q Did you get any degrees after that?

23 A A D.B.A., which is a Doctorate of Business
24 Administration.

25 Q Where did you get that from?

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1 A In Somerset University.

2 Q How have you spent most of your professional life?

3 A I've always been an investment banker, sir.

4 Q When did you begin your career in investment banking?

5 A I started in late 1992, early 1993 at JP Morgan in

6 Frankfurt, and then moved on from there.

7 Q Where did you go after JP Morgan?

8 A So I was at JP Morgan in London until 1997, when I moved

9 to Lehman Brothers in Hong Kong, and then in 1998 I joined

10 Goldman Sachs in Hong Kong as well.

11 Q And how long did you work for Goldman Sachs?

12 A I was there until January, February of 2016.

13 Q How many years was that?

14 A Approximately 18 years.

15 Q And in your time as an investment banker, did you have

16 any specialty or area of focus for your work?

17 A Yes. I've always been in the investment banking

18 division. I started off in merger and acquisitions at Goldman

19 Sachs. I was the Chief of Staff in Asia, CEO of Asia for two

20 years. And then in 2002, I was back in investment banking,

21 where I stayed until I retired.

22 Q Where did you geographically join Goldman Sachs when you

23 joined?

24 A In Asia Pacific, I joined in Hong Kong.

25 Q How long did you work in Asia?

1 A So, with the one year at Lehman Brothers, I was there for
2 19 years.

3 Q You mentioned you were Chief of Staff at some point at
4 Goldman Sachs, and then what did you transition to?

5 A I went to our Goldman offices in Singapore where I was an
6 MD and the head of investment banking for Southeast Asia at
7 the outset.

8 Q And what were your responsibilities as an MD in
9 Singapore?

10 A So after I finished my stint as a Chief of Staff, I
11 basically became a coverage banker, which is a
12 client-relationship person covering and worked with
13 relationships with our clients in that region. It was
14 Southeast Asia, which included the ASEAN countries of
15 Singapore, Malaysian, Indonesia, Thailand, the Philippines,
16 Vietnam. Those were the main markets at that time that I
17 covered.

18 Q You said you were an MD in Singapore?

19 A Yes, I was.

20 Q What's that title?

21 A So it was actually more distinctly an extended managing
22 director, an EMD, which was one level below a partner. It
23 carried significant responsibilities, of course, as a managing
24 director. And I also was overseeing really our coverage
25 effort in that market, which included six countries.

1 Q And what was your title when you first joined Goldman
2 Sachs? Was it an MD?

3 A No, sir. I was an associate. I joined Goldman as an
4 associate and became VP, vice president, in 1998, and an MD in
5 2003.

6 Q You mentioned that part of your responsibility was
7 overseeing coverage?

8 A Yes, sir.

9 Q What does that mean?

10 A Coverage really means that you deal with the clients of
11 the investment banking division, which included large
12 corporates, institutions, governments, and the like. As a
13 coverage banker, I, in general, you are responsible for the
14 clients that are assigned to you that you choose to cover and
15 that means you are in constant dialogue with them. You try to
16 get business from them for Goldman Sachs, and you're
17 responsible for the interaction between the company for the
18 firm, Goldman Sachs, and those clients.

19 Q In your time at Goldman Sachs, I assume your work was
20 intended to generate money for Goldman Sachs?

21 A That's correct. That was the main focus, of course. I
22 was on the revenue producing side, which meant my job was to
23 bring in revenues from those clients that I had.

24 Q How did a coverage banker bring in revenue for Goldman?

25 A In -- well, getting mandates and working on transactions

1 for our clients, but that, of course, was a skill. You had to
2 basically be in constant dialogue with your clients, talk to
3 them, find out what they wanted to do, and then compete with
4 other investment banks to win that piece of business.

5 It was a very competitive environment, sir.

6 Q Who are these clients?

7 A As I mentioned, large corporates. In America, you would
8 say General Motors, the Fords, the AT&Ts of this world.

9 In Asia, it was the Singapore telecommunications,
10 the Hutchinson, so they included big companies. They were big
11 companies at the time.

12 In addition, those were there were large
13 institutions, such as sovereign wealth funds. They were
14 financial institutions, banks, insurance companies. And also
15 for us in Asia, at least, many of the Governments as well.

16 Q Now, you said that you were covering the ASEAN countries.
17 Sorry, how do you spell that?

18 A A-S-E-A-N. It was the Association of Southeast Asian
19 nations.

20 Q So, as a coverage banker, were you responsible for
21 clients across those countries?

22 A I personally was, yes, sir.

23 I maintained relationships and had clients in pretty
24 much every one of those countries. But, in addition, because
25 I was also overseeing the coverage effort for those

1 essentially six countries, there were bankers who were focused
2 on each market specifically. So, there were coverage bankers
3 for Singapore, for Malaysia, for Indonesia. So each country
4 had effectively one person and I had clients in every one of
5 those countries.

6 Q What was the purpose for having these separate folks who
7 were responsible for covering these particular countries?

8 A Like in many other, you know, companies, when you have a
9 country that you would like to get business from, from those
10 clients that I mentioned before, it helps to have somebody or
11 a team that's focused just on that country because they live
12 there or they travel there frequently. They have a background
13 in those countries. They are either nationals of that country
14 or have lived there for a very long time. So they are in the
15 system in each one of those countries, engrained as, you know,
16 one of -- as friends or, you know, relationships that you've
17 built with time.

18 It's less effective when you're -- well, you know,
19 like me, for example, you travel in and out, you go to one
20 country and the next country that work for certain clients,
21 but generally you wanted somebody with a focus in that
22 country.

23 Q Did those people who covered countries specifically,
24 particular countries, did they have any titles?

25 A Yes. We always called them the head of the country or

1 the head of investment banking in each particular country.

2 So we had the head of investment banking for
3 Singapore. We had the head of investment banking for
4 Malaysia. We had the head of investment banking for
5 Indonesia.

6 So each country had a person that was dedicated and
7 had that kind of title.

8 Q So just to understand a little bit more of how these
9 country heads' responsibility differ from your responsibility?

10 A The very basic was similar. We -- each country had --
11 was given a set of clients. Sometimes they chose their
12 clients too, or it was a collaborative effort, but the goal
13 was to generate revenues for Goldman Sachs. That was the
14 clearly stated Goldman.

15 Those revenues would come from clients whose
16 transactions with Goldman Sachs as an advisor or as an
17 underwriter or as a provider of capital.

18 So each head had that responsibility. They had a
19 set of clients. They had a country that they were responsible
20 for, not just for winning business, but they were, of course,
21 also responsible if they lost business. There was to be an
22 explanation for that.

23 For me, I had my own set of clients, and I was
24 responsible for them just as much. If I won a piece of
25 business or lost a piece of business, that was my

1 responsibility.

2 In addition, however, of course, because of my
3 seniority and my position as the head of that group in
4 Southeast Asia, each one of the country heads reported back to
5 me, so they were telling me what their business was, why they
6 were successful or not, et cetera.

7 Q When did you become a partner? You used the term
8 partner.

9 A In 2006, I was elected to be a participating managing
10 director, which we also refer to as a partner.

11 Q And how many partners are there -- were there at the time
12 at Goldman Sachs?

13 A It's roughly always one percent of the population of
14 Goldman Sachs. At that time, I think we were roughly 30 to
15 35,000 employees around the world. So it was, you know,
16 somewhere around 300 to 400 partners, approximately. I don't
17 remember the exact number.

18 Q Is that the highest title that you can get as a banker at
19 Goldman Sachs?

20 A That's correct.

21 Q What is the second highest?

22 A One that I mentioned before, the extended managing
23 director, the EMD.

24 Q How many managing directors were there?

25 A There was probably double the number of partners.

1 Roughly, two percent of the population. Call it 6- to
2 700-plus MDs.

3 Q So MDs and EMDs made up the top two, three percent of the
4 firm?

5 A That's correct, sir.

6 Q What was the last title you held at Goldman Sachs when
7 you left in 2016?

8 A I was a partner, a participating managing director, and I
9 was also the chairman of Goldman Sachs Southeast Asia.

10 Q And when you were a partner in Southeast Asia investment
11 banking, who was the country head for Malaysia?

12 A That was Roger Ng.

13 Q Looking around the courtroom today, do you see Mr. Ng in
14 the courtroom here today?

15 A Yes, I do.

16 Q If you can identify him by an article of clothing he is
17 wearing.

18 A The dark suit and a dark tie. The gentleman second to
19 the right.

20 MR. AGNIFILO: Indicating the defendant.

21 THE COURT: The record will reflect that he has
22 identified Roger Ng.

23 MR. ROLLE: Thank you, Your Honor.

24 Q Mr. Leissner, when were you last outside of the United
25 States?

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1 A That was in 2008. '18, sorry. Apologize.

2 Q 2018?

3 A 2018.

4 Q Where were you?

5 A I was traveling between Europe, the Middle East and Asia
6 at that time.

7 Q Do you recall what day you returned to the United States?

8 A There was June 10, 2018.

9 Q Where did you fly into in the United States?

10 A I flew into Washington, D.C.

11 Q What, if anything, happened when you arrived in
12 Washington, D.C.?

13 A I was arrested at the airport.

14 Q You were arrested?

15 A Yes, sir.

16 Q Who arrested you?

17 A The FBI.

18 Q What were you arrested for?

19 A I was arrested for criminal charges relating to the
20 breach of the FCPA laws and regulations, as well as breaching
21 the laws of money laundering.

22 Q You said FCPA. What's that?

23 A That's the Foreign Corrupt Practices Act in the United
24 States.

25 Q Had you, in fact, violated the Foreign Corrupt Practices

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1 Act and committed money laundering at the time of your arrest?

2 A Yes, sir.

3 Q Could you tell us what the conduct was at the core of
4 those crimes that you had committed?

5 A I had conspired to work with a group of individuals,
6 including Jho Low, Roger, and several others, at a state fund
7 called 1MDB in Malaysia to essentially take money that Goldman
8 Sachs was raising, or part of the money that Goldman Sachs was
9 raising for that state fund, 1MDB, to pay bribes and kickbacks
10 on the one hand. Those were the FCPA rules that I broke.
11 And, then, secondarily, to hide the fund flow of those bribes
12 as well. That was the money laundering part.

13 Q What do you mean bribes?

14 A Those were payments to Government officials in Malaysia
15 and Abu Dhabi, as well as officials of Government-linked
16 entities in those two as well, sir.

17 Q Why were those bribes paid?

18 A Those bribes were paid to ensure the success and that all
19 the approvals that were obtained to ensure the success of
20 these Goldman Sachs transactions that were raising the funds
21 for 1MDB at that time.

22 Q During your participation in the scheme, who was bribed?

23 A A number of government officials in Malaysia, in Abu
24 Dhabi, and officials at several firms that were government
25 linked: 1MDB, on the one hand, and the Malaysian Government;

1 as well as on the Abu Dhabi side, government officials of Abu
2 Dhabi, and IPIC and Abbar, to funds under the government of
3 Abu Dhabi.

4 Q You used the word kickbacks. What's that?

5 A Those were payments made to individuals who are not part
6 of Government, or Government-linked entities, yet who worked
7 on the scheme that we just described, and that included myself
8 and Roger and potentially others as well.

9 Q Why did you get kickbacks for the scheme?

10 A Well, at the time of these transactions, I was the senior
11 partner in Southeast Asia. I was a lead on the transactions
12 for Goldman Sachs and I helped internally at Goldman Sachs to
13 ensure that we did everything possible at the time that these
14 transactions ended up successfully executed, and we did do so.

15 We raised six-and-a-half billion dollars of funds
16 for 1MDB over a year and a half or so.

17 Q Why did the defendant receive kickbacks?

18 A He held the same role within Goldman Sachs essentially.
19 Albeit I was the most senior banker, Roger was also tasked
20 with ensuring, at Goldman Sachs, that everything was done to
21 ensure the success of these transactions, coordinating within
22 Goldman Sachs, but also outside of Goldman Sachs with external
23 parties at 1MDB, as well as with Jho Low and his team.

24 Q Why was the transaction's success within Goldman Sachs --
25 why did that matter?

1 A Very simply because without Goldman Sachs, there was no
2 fundraising. We were able to take these transactions and
3 underwrote those transactions, which meant that Goldman Sachs
4 was effectively a provider of the capital to 1MDB.

5 We then sold on that position to other investors,
6 but initially we were the provider of that capital, 1MDB.
7 That allowed the bribes to pay, and reversing, of course, the
8 bribes and kickbacks made these transactions possible. So it
9 was kind of a mutual beneficial thing.

10 Q You're talking about Goldman Sachs providing capital to
11 1MDB. But what does that mean in plain terms?

12 A In very plain terms, it's a debt product. So 1MDB was
13 borrowing money from Goldman Sachs, essentially, with a very
14 complex and complicated structure that then Goldman Sachs gave
15 them money for. So we bought a debt instrument, which were
16 these bonds at Goldman Sachs and gave them the money. We
17 then, in turn, funded ourselves, or sold those bonds on to
18 investors.

19 Q Where did the bribes and kickbacks come from?

20 A From those funds raised.

21 Q So when you were talking about money laundering, you used
22 the words hide the bribes and kickbacks.

23 A Yes, sir.

24 Q Please explain what you mean about hiding those things.

25 A Because the funds generated to pay the bribes, to

1 actually pay the bribes were illegal in nature, we had to
2 disguise the flow of funds at the time. And "we" meaning
3 myself and other participants in the scheme. And we hid those
4 flows of payments through a number of offshore shell companies
5 established around the world that allowed the funds to be
6 disguised, effectively, from its origin, but also from people
7 like myself, Roger, or others, and Jho Low, so that, you know,
8 there was no suspicion raised when these funds flowed through
9 the banking system around the world.

10 Q Disguised as what, though?

11 A As legitimate business transactions, legitimate money
12 flows for reasons other than the real ones, which were
13 obviously bribes to be paid or kickbacks to be paid from
14 monies that 1MDB had -- had raised from Goldman Sachs. Yeah.

15 There were reasons given every time, contracts
16 potentially made, not on every potentially -- every flow, but,
17 in general, there was a mechanism established and rationales
18 established to justify without telling the truth.

19 Q So those justifications and contracts that you said, were
20 those true?

21 A No.

22 Q Were they real?

23 A I'm sorry.

24 Q Were they real?

25 A No, sir.

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1 Q Were they lies?

2 A Yes.

3 Q And why? Why did you have to lie?

4 A Because if we were to tell the truth at the time, if I
5 was sending money as part of the scheme, no bank would
6 transact on that basis if they knew the truth, that all the
7 banking laws around the world are essentially the same; they
8 don't allow for illegal funds to be transferred, you know, as
9 part of the banking system. So, had it been told anywhere, to
10 any bank the truth, this wouldn't have worked.

11 Plus, of course, the whole scheme would have fallen
12 a part because it would take one leak or one time that it
13 didn't work to potentially bring the whole house of cards down
14 at that time.

15 MR. AGNIFILO: Your Honor, could I just ask that the
16 witness defines who he means by "we"? He keeps saying "we."

17 Q Who do you mean "we," sir?

18 A So, everybody as part of the scheme, everybody was
19 working on the same thing. And when I say we, in particular,
20 it's me, it's Roger, it's Jho Low, it's people at 1MDB who
21 made these things happen. I can go through the names of 1MDB
22 if that's so desired.

23 Q I think we'll get to that, but first I'd like you to tell
24 us what you mean by shell company.

25 A So a shell company is essentially a company established

1 for the sole and single purpose of -- of allowing funds to
2 flow through it for a purpose.

3 Shell companies don't have an operation. Shell
4 don't have a business per se. They get established for maybe
5 a single purpose. It could be a tax purpose. It could be,
6 like in our case, trying to hide funds because a shell company
7 has a name but in many jurisdictions outside of America, for
8 example, those names who actually are the owners, beneficial
9 owners, can be removed or hidden. So it allows a level of
10 separation, if you were, from the people who are really behind
11 the shell companies.

12 Q You used the word "beneficial owner" of a shell company.
13 What is that?

14 A The beneficial owner of the company -- of a shell company
15 would be the person who actually is getting benefit of, let's
16 say, any funds by this company received. The company itself
17 doesn't have anything to do, doesn't have any business,
18 doesn't have to pay expenses or the like, or if it does, it's
19 minimal, but the owner, who may be hidden, who may be removed
20 from that entity, is actually the beneficiary of what this
21 company holds.

22 Q How do you get one of shell companies?

23 A It's actually not a very difficult process. In many
24 jurisdictions, you pay a fee. You might get a lawyer. And
25 within a short number of days, you have a shell company

1 established. You could be, maybe, able to pick a name. And
2 there it is.

3 Q In terms of the names, you can pick what name? Any name?

4 A Yes. You can -- you can pick any name in general, unless
5 it's already been taken. But, yes, you can essentially pick
6 any name.

7 Q Did you pick your own name?

8 A That would sort of defeat the purpose of having a shell
9 company, because again, if it was my name, it would highlight
10 my ownership of it. So a shell company is supposed to
11 separate the company from who the beneficial owner is.

12 Q And do you use shell companies in the course of the
13 criminal scheme that you described?

14 A Yes, sir.

15 Q And what shell companies did you use?

16 A There were two companies that I used: One was Capital
17 Place Holdings in Hong Kong and the other one was called World
18 Merit in Hong Kong as well.

19 Q Those shell companies weren't in your name? They didn't
20 say Tim Leissner; right?

21 A They did not, sir.

22 Q But were you the listed owner of those companies?

23 A No. It was my ex-wife, but I directed everything that
24 was done in those companies.

25 Q Who's your ex-wife?

1 A Jude Chen.

2 Q And in the course of the scheme, were you aware if the
3 defendant used any shell companies?

4 A Yes, he did.

5 Q What companies?

6 A They were two companies in Singapore, one was called
7 Silken Waters, I believe, and the other one was Victoria
8 something, I don't know the name anymore.

9 Q How do you know that he used those shell companies?

10 A He directed me to those shell companies that were owned
11 by his wife to send money as part of the scheme.

12 Q You said those shell companies were owned by his wife?

13 A Yes, sir.

14 Q Is that in the same way that your shell companies were
15 owned by your wife?

16 A Exactly the same way.

17 Q What was the defendant's wife's name?

18 A Lim Hwee Bin.

19 Q Why did you use these shell companies?

20 A I had worked on -- I was a very prominent Goldman Sachs
21 banker at the time. It was well-known that I worked on 1MDB
22 transactions and, therefore, I had to -- I felt I had to
23 distance myself from those monies flows to raise no suspicions
24 in the system, in the banking system that those funds may
25 actually come from the 1MDB fundraising exercises.

1 Q But how would the use of those shells obscure your
2 identify or your involvement?

3 A Well, as you mentioned, sir, my name did not appear on
4 those companies. While I was controlling them, my name didn't
5 appear officially on them. So my name was disassociated with
6 those companies. The bank would see it was Capital Place
7 Holdings that was sending money from one place to the other
8 places. My name did not appear ever. There was no signature
9 required or anything like that.

10 Q You mentioned shell companies don't have operations
11 normally?

12 A That's correct, sir.

13 Q Did Capital Place have any operations?

14 A No.

15 Q Did World Merit have any operations?

16 A Also no.

17 Q Did Silken Waters, the defendant's shell, have any
18 operations?

19 A Not I'm aware of, sir.

20 Q Did the other shell, you said Victoria something, have
21 any operations?

22 A Again, not as far as I know.

23 Q How do you know again that the defendant received
24 kickbacks through this scheme?

25 A This was part of the scheme, sir. We had early on --

1 early on, as we were structuring and designing both in 1MDB
2 actual transactions at Goldman Sachs but also the scheme that
3 would pay the bribes and kickbacks, we had decided -- or we
4 came to the conclusion that everybody that is part of the
5 scheme is going to get paid something. After the transaction
6 closed, the amount became clear, and I was instructed to make
7 that payment to Roger at the time.

8 Q Who instructed you?

9 A A gentleman called Jho Low.

10 Q Who told you -- well, did you hand him money in a bag?

11 A No. It was a wire transfer from Capital Place, as well
12 as I think one other transfer from Judy's account of
13 longstanding to those accounts.

14 Q How did you know where to send the money?

15 A Roger told me the account details.

16 Q You talked a number of times now about the scheme
17 relating to transactions, certain transactions; right?

18 A Yes, sir.

19 Q What were these transactions related to this scheme?

20 A I briefly described before that we were doing bond
21 transactions. We were raising money for 1MDB in three
22 different projects: One was called Project Magnolia, Project
23 Maximus, and then Project Catalyze. Those were three
24 transactions. They were all bond transactions, meaning these
25 were debt obligations of 1MDB that Goldman Sachs underwrote in

1 the way that I described before, and they were underlying a
2 number of strategic merger and acquisition transactions that
3 were the reason for the fundraising in the first place.

4 Q You call them fundraisings. How much money was raised on
5 Project Magnolia?

6 A Project Magnolia raised 1.75 billion, sir.

7 Q How much was raised on Project Maximus?

8 A 1.75 billion as well.

9 Q How much was raised on Project Catalyze?

10 A 3 billion.

11 Q Did these three transactions happen over a long period of
12 time?

13 A No. It was a very short period of time. We started
14 Project Magnolia and the underlying acquisition of power
15 assets, power generation assets in Malaysia in early 2012 and
16 we concluded Project Catalyze, which was the last transaction,
17 in April -- March or April of 2013.

18 Q How long is that?

19 A So, it's roughly a year and, you know, four months, let's
20 say.

21 Q 16 months?

22 A Yeah.

23 Q And how much was raised in total?

24 A Six and a half billion.

25 Q In your career at Goldman Sachs, have you ever raised six

1 and a half billion dollars in 16 months?

2 A We did -- I did in those days many transactions that were
3 several billion dollars.

4 Six and a half billion was a very large amount of
5 money, yes. It may have been one of the largest transactions
6 that I've ever done -- I had ever done at the time.

7 What was made more significant, however, is the fees
8 that Goldman Sachs earned on these transactions, which were
9 the most we've ever made on any transaction at Goldman Sachs.

10 Q How much?

11 A So on each transaction, we made roughly 200 million
12 dollars at the time, for a total over 600 million. With
13 advisory fees and, you know, other things that we were doing
14 at that time, my estimate is probably closer to 700 million,
15 in fact.

16 Q Had you ever made that much money for Goldman Sachs in
17 Asia?

18 A No, sir. No, sir.

19 This was unprecedented, not just for myself and
20 Goldman Sachs in Asia, but it was unprecedented, and
21 recognized at Goldman Sachs as such, celebrated by Goldman
22 Sachs as such in Asia but also around the world. This was --
23 these were significant transactions that were highlighted at
24 the highest level at Goldman Sachs many times.

25 Q And how was it that you were able to secure these

1 transactions for Goldman Sachs?

2 A Well, we had -- Roger and I had worked on this
3 relationship with 1MDB for several years prior to doing the
4 first transaction.

5 The actual execution and success of the transaction
6 relied essentially on the bribes and kickbacks that were paid,
7 because without those, the approvals would not have been
8 received to make these transactions happen.

9 Q So within Goldman Sachs, who worked on these three 1MDB
10 bond transactions?

11 A The two lead coverage bankers were Roger and myself. We
12 had extensive teams around them. We had teams that worked on
13 the merger and acquisition side of the transactions. Those
14 were Cameron Poetzsch, the head of the M and A in Southeast
15 Asia. It included Gabe Santos, Andy Tai, many junior bankers
16 to provide the analysis.

17 On the funding side, the structuring side, we had
18 Andrea Vella at the highest level. He was in investment
19 banking, capital markets.

20 We had Toby Watson, who ran the desk in Asia, who
21 actually did the underwriting for these transactions.

22 We had his structure head in MD by the name of John
23 Donne.

24 You had the trading desk behind that. You had
25 senior people in New York. Ram Sundaram was the head of that

1 desk who did the underwriting.

2 So it was a very extensive team, also partly because
3 we were going to make so much money, quite frankly.

4 Q You said that you and the defendant were the lead
5 coverage bankers on the transaction?

6 A That's correct, sir.

7 Q What group or section of Goldman Sachs did you work in at
8 the time of these transactions?

9 A I was in the lead investment banking division of Goldman
10 Sachs.

11 Q At that time, did the defendant report to you?

12 A No, sir, he did not. He was at that time in a different
13 division, the securities division.

14 Q What's the securities division?

15 A So if you distinguish investment banking, which is the
16 client, the corporate side of the business, which means we
17 originate large capital market transactions, we do the
18 advisory work, consulting work on M and A. We really deal
19 with the corporates, the people who raised money.

20 The securities division was on the other side, which
21 was dealing with investors, really, institutional investors
22 largely, but also other ones who were investing in the
23 securities that we raised or other people raised. So you
24 think of it the traders on stock market, you think of the bond
25 traders, the like of that.

1 So they are really separate from investment banking.
2 They have their own floor. They are not inside the famous
3 Chinese wall of information. They're really on the public
4 side of Goldman Sachs, whereas investment banking is on the
5 private side of that business.

6 Q So, just to maybe make that clearer, at least for me,
7 what do you mean by public side and a private side?

8 A The private side, again, is where you deal with material
9 -- non-public information, is a term that you hear very often.

10 We deal with the corporates when they decide to do
11 the strategic business with investment banks, that strategic
12 business can be capital markets, raising big amounts of money
13 in the debt or equity markets, doing mergers and acquisitions.

14 So, for example, if T-Mobile merges with Sprint,
15 that's one of the things that Goldman Sachs would advise on.
16 That information, before it becomes publicly announced, is
17 private because it can move the share price of a company.
18 Therefore, we were walled off from the rest of the firm
19 because we had information that you could do insider trading
20 on if you knew it, for example. And, so, it was a very strict
21 procedure and process that kept us away from the other side of
22 the business of Goldman Sachs, which is the public side that
23 doesn't have that information. Therefore, it's free to trade
24 itself or with its clients in those markets, the stock
25 markets, the bond markets, freely at any point in time.

1 Q If the defendant was on this public side, the securities
2 division and not in investment banking, not according to
3 you --

4 A Correct.

5 Q -- why was he involved in the 1MDB bond transaction?

6 A Roger had held the relationship with 1MDB, as well as the
7 key decisionmaker at 1MDB, who happened to be Jho Low, over
8 many years. He had started that relationship in 2008. He
9 kept that throughout the years. And even when he moved into
10 the securities division, he maintained relationships with 1MDB
11 and Jho, and also some other -- small number of other clients
12 at that time, because he was the key person for that. He was
13 the key point person, the key contact person, and it was
14 commercially rational for us at Goldman Sachs to allow him to
15 keep those relationships because nobody was otherwise as close
16 to him as he was. So it was decided at the time that some of
17 these relationships he would keep.

18 Q You said earlier that you've never seen fees as big as
19 you saw on the bond transactions?

20 A Yes.

21 Q Was working on those transactions from the securities
22 division, would that be beneficial to someone in the security
23 division even if they weren't in investment banking?

24 A Goldman Sachs had a very strong team culture. We were
25 always looking to. We always wanted to cross sell. We always

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1 wanted to help each other.

2 For fees like this, it's a no-brainer that somebody
3 would cross the divisions to help out.

4 Of course, also -- and this is the other part that's
5 important to remember -- once these bonds were raised, they
6 became tradable. So they were, you know, in Project Magnolia,
7 for example, also Catalyze, our investors started trading
8 those. And Goldman Sachs on the other side, the securities
9 division, was actively in that flow at times.

10 So, yes, it would also benefit the securities
11 division that we were raising those bonds because they would
12 get business over time as well.

13 (Continued on next page.)
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Michele Lucchesi, RPR, CRF
Official Court Reporter

1 DIRECT EXAMINATION

2 BY MR. ROLLE: (Continued.)

3 Q You talked about Goldman Sachs trading. Is that like
4 trading stocks?

5 A That's right. Trading stocks, trading fixed income
6 instruments such as bonds, notes, you know, things like this,
7 yes, mutual funds.

8 Q Did Goldman Sachs make money from trading bonds like the
9 1MDB bonds?

10 A Yes, sir.

11 Q And who was responsible for trading within the Goldman
12 Sachs group?

13 A It was the fixed income -- we are talking about -- we
14 called it the securities division, sir, which Roger was part
15 of. In particular, for those bonds, it was the fixed income
16 part of the securities division. The head of that division at
17 the time was a gentleman by the name of Pablo Salame, and he
18 was running that group on a worldwide basis.

19 Q You said it was a no-brainer why someone who would want
20 to be working on these deals. Why?

21 A It's a little bit of a colloquial term, but to work on
22 the 1MDB transactions at the time and make \$20 million of
23 fees, which was really unheard of -- that was just something
24 that, you know, instantaneously at Goldman Sachs made us
25 heroes. Everybody that worked on these transactions became

1 known within the organization, and, literally, yes, we all --
2 we received a hero status within Goldman Sachs. We were
3 mentioned by our chief executives in the conferences,
4 conferences were held around our deals. So, yeah, working on
5 these transactions elevated your status at Goldman Sachs very
6 significantly.

7 Q What was the stated purpose of these transactions?

8 A The funding transactions originally were to back the
9 acquisition of these power assets that 1MDB was acquiring. It
10 was first power asset -- power generation assets by the name
11 of Tanjong; and then, secondarily, Genting's power assets in
12 deal number two. Those were the underlying -- required a need
13 for money at 1MDB. The Catalyze project was supposed to raise
14 the 3 billion for a joint venture that 1MDB had with the
15 institution in Abu Dhabi called Aabar; and the 3 billion was
16 to be used for development projects in Malaysia to benefit the
17 people.

18 In general, 1MDB, and any transactions it was doing,
19 was meant to benefit the people of Malaysia. It was a
20 sovereign wealth fund. It was directly held by the
21 Government, and, therefore, its intention was to help the
22 people of Malaysia. Whether it's development --
23 developmental, bring the economy forward, or the like, that
24 was the stated goal, and the transactions all were supposed to
25 support that goal.

1 Q What happened to the money that you raised through these
2 transactions?

3 A Some of the money was used for the strategic
4 transactions, so in the case of Tanjong, 1MDB successfully
5 acquired those assets from Usaha Tegas Group. In Project
6 Maximus, those monies were partially used to make the
7 acquisition off the Genting power assets. In all cases,
8 however, also, money was used and essentially siphoned off
9 from 1MDB for the bribes and kickbacks, in the case of
10 Catalyze, to fund the election that happened shortly
11 thereafter in Malaysia.

12 Q What entities were involved in the three 1MDB bond
13 transactions?

14 A So you had essentially two -- two buckets, sir. You had
15 the Malaysian side of it, which is -- was 1MDB -- the actual
16 issue of the bonds, Goldman Sachs's client, and with it came
17 the Malaysian Government, as its sole shareholder at the time,
18 the ministry finance, in particular, of the Malaysian
19 Government. And then on the Abu Dhabi side, it was IPIC,
20 again, a sovereign wealth fund under the Government of Abu
21 Dhabi, and Aabar, which was a subsidiary of IPIC. Those were
22 really the institutions that were involved.

23 Q What was this entity IPIC's role in Abu Dhabi? What was
24 that entity's role in the transactions?

25 A It was a critical role. IPIC provided the credit

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1 guarantee for 1MDB, and the reason that was critical was that
2 1MDB by itself wasn't able to raise any substantial amounts of
3 money, and certainly could not raise had 1.75 billion in the
4 case of the first transaction, or even the subsequent
5 transactions.

6 So 1MDB, without any kind of credit support, was not
7 able to raise anything close to it; therefore, with the help
8 of Goldman Sachs's structuring group, the idea was generated
9 it should be a credit guarantee on 1MDB's debt obligations,
10 and it was then Jho Low and his relationships in Abu Dhabi
11 that enabled us to find and engage IPIC to provide that credit
12 guarantee. With that, IPIC guaranteed all the obligations of
13 1MDB to make payments on that response, so that's principle
14 payments or interest payments.

15 Q Without that, you said credit support and guarantee, what
16 would have happened to these transactions?

17 A They would have never happened, sir.

18 Q You mentioned Aabar?

19 A Yes, sir.

20 Q Another entity in Abu Dhabi, you said?

21 A Yes, sir.

22 Q What was Aabar's role in the transaction?

23 A Aabar was involved because it was a subsidiary of IPIC.
24 It received part of the -- the consideration for providing the
25 guarantee. Of course, when such a credit guarantee was to be

1 given by IPIC, it's not free -- it's a very valuable financial
2 instrument, if you will -- and in exchange for giving that
3 valuable financial guarantee, IPIC was going to receive to its
4 subsidiary -- Aabar -- warrants in that business that was to
5 be acquired, so that was like the payment for it.

6 In addition, the CEO of Aabar was also a key person
7 doing all the, essentially, day-to-day legwork in Abu Dhabi to
8 ensure that the guarantee by IPIC was forthcoming. So not
9 only were they receiving consideration, if you were, but also
10 what the CEO was very much involved in actually getting the
11 guarantee from IPIC, as well as subsequently ensuring that the
12 scheme was -- was done. So he had many different roles, but
13 that is the rationale for Aabar being involved under IPIC.

14 Q You and the defendant worked at Goldman Sachs, of course,
15 at the time; right?

16 A Yes, sir.

17 Q What was Goldman Sachs's role in these three
18 transactions?

19 A As I had mentioned early, Goldman Sachs's role was
20 absolutely critical because we were, at Goldman Sachs, the
21 underwriters of these bonds. It was important to 1MDB, and it
22 was important to Jho Low that there was one point of
23 fund-raising. Meaning, he didn't have to go to several banks
24 to raise the money. He didn't have to go to many investors to
25 raise the money. It was only Goldman Sachs that was able to

1 underwrite and give the money in purses worth 1.7 billion,
2 then 1.7 billion on the second case, and then 3 billion on the
3 last one.

4 Again, without Goldman Sachs willingness to do so
5 and provide that capital and that funding, the transactions
6 wouldn't have happened.

7 Q As Goldman Sachs bankers, in general terms, what role did
8 you and the defendant play in the criminal scheme related to
9 these transactions?

10 A We were -- we were acting -- Roger and I -- as the key
11 point people in Goldman Sachs interacting between all the work
12 that we were doing -- and Jho Low, in particular, but also his
13 team, whether it was at 1MDB or outside of 1MDB -- and
14 communicate any issues that we saw at Goldman Sachs that may
15 cause an issue. We would communicate that back to Jho and his
16 team. We would try to find solutions.

17 And, also, we were really the champions within
18 Goldman Sachs for these transactions. Meaning, we were -- our
19 support -- lending our support was absolutely critical within
20 Goldman Sachs to hear that as client bankers we wanted to do
21 these transactions. So it was an internal Goldman Sachs
22 coordination role, I would say, and an external coordination
23 role as well with the people around Jho Low and our client,
24 1MDB.

25 Q What banking did you personally receive by participating

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1 in this criminal scheme, Mr. Leissner?

2 A I received the amounts of money that I agreed to forfeit,
3 you know, around about 44 million U.S. dollars, and the family
4 also received more than that --

5 Q Sorry. The family? Who was that?

6 A My ex-wife. And so, all and all, it was probably 50- to
7 \$60 million.

8 Q You said you received the monies you agreed to forfeit.

9 A Yes, sir.

10 Q Forfeit to whom?

11 A Forfeit to the United States Government.

12 Q And do you know how much the defendant received for his
13 participation in the scheme?

14 A Yes, sir.

15 Q How much?

16 A Approximately \$35 million.

17 Q How do you know that?

18 A Because it was sent from Jho to my account, and from my
19 account to Roger's. The shell companies again, of course, I'm
20 referring to.

21 Q At the time you engaged in this criminal scheme, how long
22 had you known the defendant?

23 A Roger and I met first in 2005 or 2006 when he first
24 joined Goldman Sachs. We worked very, very closely over the
25 years, and we became very close friends.

1 Q In what ways did you work closely together?

2 A Well, we -- I mean, in Malaysia, we did almost all
3 transactions together. We worked constantly on executing
4 transactions, meaning actually working with our clients to
5 transact to do transactions. We would be jointly, on many
6 instances, on those transactions. From the day Roger joined
7 to us, we met on a transaction involving Southern Bank of
8 Malaysia, then it merged with another big bank called CIB. We
9 covered some clients together where Roger had relationships
10 with one set of people in that client, and I had maybe had
11 relationships with other sets of people in that client. We
12 worked in the -- in Roger actually covering clients, and then
13 quoting me, as head of investment banking, to update me on the
14 progress he was making with the clients so that we constantly
15 worked together at different -- at different levels.

16 Q During both of your times at Goldman Sachs, what was his
17 position relative to yours through time?

18 A Roger was -- was junior to me when he was in the
19 investment banking division. He started off, I believe, in
20 debt capital markets, which was not my particular group, but
21 he worked on many transactions in Malaysia, so while there was
22 no direct -- there was no direct reporting line to me, we
23 still worked very closely together. And Malaysia wasn't a
24 very big market, so we would constantly talk about what other
25 business we could do, where we could, you know -- you know,

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1 where we could cover clients, who did we know, where could we
2 find other revenue sources for Goldman Sachs.

3 And so he was -- while junior, we worked almost as
4 partners together over the years. He then -- when he moved
5 over to the securities division, he was no longer -- sorry,
6 then -- then he actually reported to me directly for a few
7 years when he was head of investment banking for Malaysia.
8 There was a direct reporting line to me because I was heading
9 that group for the Southeast Asian markets again.

10 Then when he moved into the securities division,
11 that formal link was broken because he does not report to me.
12 In fact, he sits on the other side of the wall. That didn't
13 stop us from constantly communicating, talking. Again, we
14 were best friends, so -- and we had -- our interests were in
15 the Malaysian market, largely, so we interacted all the time,
16 even when he was in the securities division.

17 Q So you talked a lot about work as colleagues closely.
18 You mentioned that you were friends. Did you have a
19 relationship with the defendant outside of Goldman Sachs?

20 A Yes, we were really close friends. We would talk all the
21 time. We wouldn't, you know -- we would do -- we would do
22 meals together; we will have lunches together. Most of the
23 interaction was then related back to business or we -- because
24 at those days, you have to understand, he and I were living
25 and breathing our work. You know, we loved our work. We

Denise Parisi, RPR, CRF
Official Court Reporter

1 enjoyed it. We talked about it all the time. It was our
2 life -- our work was our life, basically, so we -- we -- it
3 wasn't -- you know, it interacted just closely that our
4 private relationship also was a friendship, but it linked all
5 the time.

6 Q How many hours would you say you worked on average in a
7 week?

8 A It's so hard to say, but it was -- there wasn't -- I
9 would put it the other way around maybe. There wasn't a day
10 that we wouldn't talk about something related to our business,
11 what we are looking at, what we might be looking at. We would
12 constantly communicate. We may not be working five hours a
13 day together or something like that, but we would always be in
14 touch. We would text each other; we would keep each other
15 updated as to what we were doing. Largely, between Roger and
16 I, about our Malaysian business, of course, because that's
17 where we intersected. I had similar relationships, although
18 not as close, with some of the other bankers, whether it was
19 Indonesia or Singapore, I would interact with them just as
20 frequently -- or I would interact with them frequently, just
21 not as much as with Roger. With Roger, we communicated all
22 the time.

23 Q How long did the defendant work at Goldman Sachs?

24 A Roger left Goldman after the last 1MDB transactions in
25 2014.

1 Q Now, you obviously worked together on the 1MDB bond
2 transactions, but through the years, did you have success at
3 Goldman Sachs with the defendant?

4 A Yeah. We did have plenty of success in Malaysia. We --
5 we were, for many years, the number one investment bank in the
6 country. We worked on business for other Government entities,
7 such as Sarawak -- the state of Sabah, which is one of the
8 states, in Sarawak, which is one of the states in Malaysia.
9 We worked on several bank transactions, whether it was RHB,
10 one of the largest banks. Some of the smaller banks, Southern
11 Bank, EON Capital, so we had -- we were the number one
12 investment bank in Malaysia, and it was really -- to Roger's
13 credit, he was -- he was the head of that -- that market, and
14 I was there all the time with him because we were so
15 successful.

16 Q Did you ever work with the defendant to make money
17 outside of Goldman Sachs?

18 A Yes. Because of our close relationship, we also had --
19 we were looking at opportunities that sometimes didn't fit
20 into the Goldman Sachs business; or it might be that we
21 actually looked at transactions privately that could have a
22 future business for Goldman Sachs, but maybe too small at that
23 point in time. So, yes, we did engage on business outside of
24 Goldman Sachs that could, you know, make us money or could, at
25 some point -- us personally money, Roger and myself -- or

1 could be a potential transaction for Goldman Sachs one day
2 down the road.

3 We also explored jointly setting up a fund or funds
4 over time, so we had several discussions like this as well.

5 Q Was that allowed, to try and generate money for
6 yourselves personally outside of Goldman Sachs while you were
7 employed at Goldman Sachs?

8 A It was against the rules that and policies and procedures
9 at Goldman Sachs without disclosure to Goldman Sachs to pursue
10 those opportunities.

11 Q Did you ever disclose your outside business activities
12 with the defendant to Goldman Sachs?

13 A I did not, sir.

14 Q Were you both ever successful in you're attempts to
15 generate money for yourselves outside of Goldman Sachs?

16 A No, we never succeeded. We had several discussions. We
17 had several projects that were going on, but we were never
18 successful.

19 Q Now, as the country head in Malaysia -- in your time at
20 Goldman Sachs working with the defendant, who was country
21 head, did this type of work secure business from Malaysian
22 Government entities?

23 A Yes. Absolutely sir, yes.

24 Q Did that include -- what entities?

25 A Well, at the very simple level, many of the corporates

1 within Malaysia were government-linked or government -- partly
2 government-owned. There was Telephone Malaysia, which was the
3 largest telephone company; Tenaga, which was an electricity
4 utility; so those were government-linked entities, and Roger
5 was covering those entities, in addition to private clients,
6 of course.

7 We had the state of Sarawak, which I mentioned to
8 you before, which was a small state, but very powerful because
9 it had all the gas resources of the country. Sixty percent
10 of, I think, Tokyo's gas supply came from Sarawak making it a
11 very rich state. We worked on the set of both 1MDB called TIA
12 at the time. Roger worked on Khazanah, which was another
13 sovereign wealth fund of Malaysia. So, yes, there were quite
14 a few interactions with Malaysian Government entities.

15 Also, sir, we were always trying to see if we could
16 work for the Government itself doing, you know, fund-raising,
17 essentially. In Asia, many of the governments or the
18 countries themselves need to raise money in the international
19 bond markets, and there was something that was attractive to
20 Goldman Sachs, not necessarily always for the fees, but for
21 the franchise and brand value that both bring to us.

22 Q So did the work with the defendant in Malaysia, did that
23 include seeking business from 1MDB?

24 A Yes, sir.

25 Q Prior to the 1MDB bond transactions you described

1 earlier, were you personally involved in efforts to get 1MDB
2 business for Goldman Sachs?

3 A Yes.

4 Q And who else was involved in those efforts?

5 A Roger. Roger was the lead banker covering 1MDB, and also
6 what he and I -- and some of our other colleagues -- knew to
7 be the case, which was that Jho Low was the key decision-maker
8 always from the setup of 1MDB to the transactions, the key
9 decision-maker; and so, therefore, the coverage of 1MDB as a
10 client include -- had to include Jho Low as well.

11 Q So how did you go about trying to get Goldman Sachs
12 business from 1MDB?

13 A At the very simple level, we had to present ideas to 1MDB
14 and to Jho, and Roger was the lead on that. He took the ideas
15 we generated at Goldman Sachs -- and he had many of those
16 himself -- and brought them to both 1MDB's personnel and Jho,
17 and, in many cases -- it would go the other way around, too --
18 Jho would say, 1MDB wants to do this; or the Government wants
19 1MDB to do that; and then he would come back to Goldman Sachs
20 and say, can we do this? Can we be creative? Can we help
21 them raise money, or can we help them make acquisitions in the
22 energy field -- you know, energy area? So it was a bit of a
23 two-way flow in terms of generating or trying to generate
24 business from 1MDB.

25 Q What position did Jho Low have at 1MDB?

1 A He had no official position ever at 1MDB, other than, at
2 the very outset of the setup of 1MDB, Jho was an advisor to
3 the king of the state that this sovereign wealth fund was set
4 up for, which was the state of Terengganu, which was why it
5 was called Terengganu Investment Authority -- or TIA -- and
6 Jho Low was on the panel of advisors to the king to select the
7 advisors to the setup, as well as, I think, the setup in
8 general. So he was -- that was the only time that he had an
9 official role in the fund of 1MDB or around 1MDB.

10 Q So this thing called TIA, is it Terengganu Investment
11 Authority?

12 A That's correct.

13 Q After it became 1MDB, what role did Jho Low have at this
14 entity that was now known as 1MDB?

15 A He never had any role, any official role, yet he was the
16 key decision-maker.

17 Q Who was the primary client contact for 1MDB?

18 A Roger was the primary client contact.

19 MR. ROLLE: I would like to pull up for the witness
20 for identification Government's Exhibit 6.

21 BY MR. ROLLE:

22 Q Do you recognize that, sir?

23 A Yes, that's Jho Low.

24 Q That's Jho Low?

25 A That's Jho Low.

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1 MR. ROLLE: Judge, we offer Government's Exhibit 6.

2 MR. AGNIFILO: No objection.

3 THE COURT: It's admitted.

4 (Government's Exhibit 6 received in evidence.)

5 MR. ROLLE: We would ask to publish it.

6 (The above-referred to exhibit was published.)

7 BY MR. ROLLE:

8 Q Where was Jho Low from?

9 A He was -- he is Malaysian.

10 Q Malaysian?

11 And you mentioned before that he was involved in the
12 Project Magnolia, Maximus, Catalyze; correct?

13 A Yes, sir.

14 Q What was his involvement in those deals?

15 A Well, he was involved in every aspect of those deals is
16 the very simple answer. From day one when we first heard
17 about the acquisition opportunity, this power generation
18 assets called Tanjong, it actually came out of one of my other
19 clients in Malaysia, Usaha Tegas Group, U-S-A-H-A, and then
20 T-E-G-A-S.

21 Roger -- backing up, my client said, we are selling
22 these assets. It's a three-and-a-half-billion-dollar type of
23 transaction. We have an advisor already, which was Standard
24 Chartered Bank. Go and find somebody that you can represent
25 on the buy side, which was kind of a little gift to us

1 because, at Goldman Sachs, to lose a
2 three-and-a-half-billion-dollar transaction, in our culture,
3 wasn't good news. We had to be part of that. That was our
4 mandate. We were -- we -- we had to be part of this, so we
5 went out to our client base to see if there was a suitable
6 buyer that we could advise.

7 Roger went to talk to 1MDB and to Jho about
8 possibility of 1MDB wanting to buy this. 1MDB has a stated
9 intention to be active -- an active participant in the energy
10 sector -- again, to the benefit of the Malaysian people -- and
11 so Roger approached Jho and 1MDB -- sorry. He really
12 approached Jho, because he knew that Jho was the key
13 decision-maker, and asked him the question, look, you know --
14 and under the commissioner, it was the owner, Usaha Tegas --
15 he's going to sell these assets, should 1MDB look at that?
16 And Jho said absolutely and connected Roger and me to the then
17 CEO at 1MDB, Shahrol Halmi, to have that first discussion.
18 So, really, Jho was there day one when we pitched the idea
19 that 1MDB should have made this acquisition, and then he would
20 be the key person throughout the merger and acquisition side
21 of the transaction, and the fund-raising, to ensure that all
22 1MDB actions and authorizations and approvals were obtained,
23 including linking into the Middle East to provide the
24 guarantee for the credit of 1MDB that was, again, crucial to
25 the transactions as well.

1 So, really, it's -- when you ask what role did he
2 have, he had really the most important role on the other side
3 for Goldman Sachs.

4 Q Was that role, in all of these aspects of this
5 transaction you work on, was that role an official role?

6 A Absolutely not. He didn't -- as mentioned before, he did
7 not have the official role at 1MDB.

8 Q Was Jho Low involved in the criminal scheme you described
9 that surrounded these transactions?

10 A Yes, sir. Again, like on the actual fund-raising side or
11 on the main side, that was the official business. Jho was the
12 key person designing the scheme, which included deciding how
13 much money would be used to pay bribes and kickbacks, who
14 would get that money, and what time, and how much would go to
15 himself. He was the key person in all of this.

16 Q What, if anything, did Jho Low receive, to your
17 knowledge, as part -- in taking part in this criminal scheme?

18 A He was -- he received a large amount of what was siphoned
19 off of 1MDB. In meetings with Roger and myself, he would tell
20 us that he would keep quite a bit of that. I would never -- I
21 was never told how much he would keep. He was very careful
22 not to ever disclose that to anyone that I was aware of, but
23 it was clear that he would keep a large chunk of it.

24 Q Now, when did you first ever hear the name Jho Low?

25 A It was back to 2008. Roger and I had a meeting in Kuala

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1 Lumpur at a -- at an office of another investment banker
2 called Seow, and his company was Newfields. It was a -- it
3 was a person that we had worked with on different transactions
4 over time. In particular, in Sarawak -- the state of
5 Sarawak -- and it was in that meeting where we were reviewing
6 the business that Goldman Sachs was thinking of doing in
7 Malaysia with this gentleman because we were trying to see if
8 we could work together in winning some of that business, then
9 it was highlighted to me that day, or around that day, there
10 was a large merger acquisition being talked about and actually
11 appeared in the press. That was the acquisition of IJM, one
12 of the big construction companies in the country --
13 construction infrastructure companies in the country. I think
14 it was a transaction of somewhere in the order of 2 billion --
15 or several billion dollars worth at least. Again, one of
16 those transactions that Goldman Sachs -- or we at Goldman
17 Sachs could not afford to lose.

18 So Roger presented this as saying, look this is a
19 transaction that's talked about in the market, clearly -- and
20 Seow knew about this, too, our partner there, or potential
21 partner -- and Roger said, this young gentleman, Jho Low, had
22 put together a consortium from the Middle East, including Abu
23 Dhabi, Southern wealth funds, and otherwise, you know, large
24 institutions from the Middle East that were trying to make
25 this acquisition. Given that it was such a big acquisition,

Denise Parisi, RPR, CRF
Official Court Reporter

1 we felt -- I felt we had to be part of this. This was a
2 franchise and a transaction for Goldman Sachs and we shouldn't
3 miss this.

4 So Roger agreed to try to establish a relationship
5 with this young gentleman, Jho Low, who had just appeared on
6 our radar screen for the first time.

7 Q Did you ever meet Jho Low after you first learned about
8 him back in 2008?

9 A I never met him in 2008. Roger went to establish a
10 relationship, and he was successful in doing so, and then he
11 introduced me to Jho in January -- I believe it was January of
12 2009.

13 Q Why was establishing a relationship with Jho Low relevant
14 to your work at Goldman Sachs?

15 A Well -- sorry -- yes, at the same meeting, of course we
16 talked a little bit about his background. He was a young --
17 young businessman appearing on the scene, and why was he able
18 to pull together that kind of consortium to make a \$2 billion
19 transaction. It doesn't happen for somebody often who is in
20 his 20s at that time. And Roger said that -- first of all, he
21 knew a little bit of background at the time. He said that he
22 knew many of the sovereign wealth funds -- or sovereign wealth
23 companies -- in the Middle East from some of his schooling
24 that he had undertaken before --

25 Q And, I'm sorry, identify who "he" is.

1 A Sorry.

2 Roger was saying that Jho had established some of
3 these ties with Middle-Eastern organizations during schooling
4 both in the UK as well as working afterwards; and, in
5 addition, he highlighted the fact that Jho was very close to
6 Matchirizok, the then deputy prime minister and finance
7 minister of One Malaysia, and his wife, was Rosmah Mansour
8 which -- who had a very close -- had a lot of influence on the
9 prime minister, and so that seemed also very important to us
10 at Goldman Sachs at the time.

11 Q Why, though? Why would someone's ties to Malaysian
12 Government officials or people in the Middle East matter to
13 you as an investment banker at Goldman Sachs?

14 A Again, at the very -- at the very simple level, because
15 it would -- it held the promise of business, and at Goldman
16 Sachs, we were tasked to always find new business
17 opportunities. Our relationship with the Malaysian Government
18 was -- I don't -- I don't know how to describe it. It was
19 just not very strong, or it was just -- it was okay, but there
20 was nothing to write home about. It wasn't like we were
21 getting any big transactions out of our own relationship with
22 the government that we had at the time, so it seemed important
23 that we actually find somebody who has a closer relationship
24 to pursue business with the Government.

25 As I had mentioned, you know, a little time ago,

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1 governments in our part of the world, in Southeast Asia, were
2 actually giving out business themselves, you know,
3 fund-raising bond transactions that the governments would do
4 themselves. They owned stakes in some of the biggest
5 companies in the country. Again, the word of a very senior
6 government official to those companies would carry a lot of
7 weight for us in our business.

8 The Middle East, from the Asian perspective --
9 although we had, of course, a Middle-Eastern office -- was
10 also attractive because the Middle East lending institutions
11 were also looking into Asia, in particular, Malaysia and
12 Indonesia, the two big Muslim countries at the time, to
13 invest -- to bring billions of dollars into those countries;
14 and so, therefore, again, it was really being in the flow of
15 that business that seemed important; and Jho had a unique
16 position that looked like, at that time -- at least as it was
17 presented to me -- to combine relationship with Government of
18 Malaysia and some of his relationships in the Middle East; and
19 so we thought, let's be friends with him and find ways of
20 seeing if he could leverage us into what these -- these
21 entities were doing in terms of business.

22 Q So after that point, how, if at all, did you try and use
23 any of those ties Jho Low had or you believe he had? How did
24 you go about using them?

25 A As I mentioned, Roger made him one of his clients --

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1 client contacts. He called him, he established a
2 relationship, and started discussing with him business
3 opportunities, in general. You know, anything -- and it's a
4 skill of a client banker to actually listen rather than
5 present. If you present yourself, you will never learn
6 because you just hear yourself talking, so the key was for Jho
7 to tell what he knew was business.

8 Of course, the businesses, again, were some of his
9 own businesses -- his own private businesses -- but also his
10 main link to the government of Malaysia and the entities in
11 the first place because that was really the most direct to the
12 businesses in Southeast Asia that we were running.

13 MR. ROLLE: I would like to show for the witness
14 Government's Exhibit 1 for identification.

15 BY MR. ROLLE:

16 Q Do you recognize that, sir?

17 A That's Roger.

18 MR. ROLLE: Now, if we can go back to Government's
19 Exhibit 6.

20 BY MR. ROLLE:

21 Q During the years that you and the defendant tried to --
22 that you just described, tried to get into this business flow
23 through Low, was Jho Low ever a formal Goldman Sachs client?

24 A No. He never became any form of a Goldman Sachs client.

25 Q Was Jho Low ever proposed to be a former Goldman Sachs

1 client?

2 A Yes, he was going to -- on a number of occasions, he was.

3 Q Who proposed him?

4 A Roger did in the initial stages, and I did propose him at
5 least once in the later stages.

6 Q What was the purpose behind proposing him the first time?

7 A Roger had established a relationship with Jho. We -- he
8 helped us very actively to get the mandate for the
9 establishment of the TIA, Terengganu Investment Authority,
10 that would later become 1MDB.

11 He then came to Roger and told him that he wanted to
12 be a private wealth client of Goldman Sachs. A private wealth
13 client is essentially a wealthy individual whose money Goldman
14 Sachs would manage in our asset management division. So Roger
15 proposed this to our Swiss private bank as a potential client.

16 Q Was Jho Low accepted as a Swiss private banking client
17 after the defendant proposed him?

18 A No. He was rejected.

19 Q Why was he rejected?

20 A There were two main reasons for the rejection and the
21 combination of those two.

22 The first one, very simply, was that Goldman Sachs
23 could not get comfortable with the source of Jho Low's funds.
24 It's a very common and essential KYC procedure, or your
25 customer procedure at any bank, would undertake whether it's

1 for a wealthy person, or not wealthy person, but it is where
2 is that person's money coming from, and essentially wanting to
3 make sure that it comes from proper sources, not illegal
4 sources, very bluntly; and Goldman Sachs could not get itself
5 comfortable that it could track Jho Low's source of funds.

6 The second reason was that Jho had, at the same time
7 as, you know, he became known as a -- as a business person, he
8 also appeared in the gossip and tabloid papers as somebody who
9 was spending millions of dollars on parties and extravagant
10 lifestyles, including paying for celebrities, and, you know,
11 private jets and boats, et cetera, et cetera, and government
12 officials -- members of Parliament in Malaysia were starting
13 to ask questions around this person and why he was spending so
14 much money. It was just a reputational risk that we were also
15 seeing at Goldman Sachs.

16 Q So --

17 A Sorry.

18 Q You could finish.

19 A Combining those two facts basically made Goldman Sachs
20 reject him as a client.

21 Q So you are talking about Goldman Sachs not getting
22 comfortable with these things. Were you personally
23 comfortable with his lifestyle of partying as you just
24 described? Were you aware of those things at the time the
25 defendant proposed him?

1 A I was aware of that. I had read the newspaper articles
2 as well, and I had also met Jho. Regrettably so, I did not
3 really care about that. It wasn't really -- for me, I didn't
4 care. For -- at the time I wanted to get business for Goldman
5 Sachs, and his lifestyle, or the rumors about his lifestyle,
6 and whatever else, yes, I knew it was a reputational issue,
7 but, quite frankly, business opportunities for me outweighed
8 that reputational issue.

9 Q So you, as a banker, didn't reject Jho Low; is that
10 right?

11 A Correct. No. I was supportive of -- I was very
12 supportive of, in fact, Roger's effort to bring him on board.

13 Q When you say Goldman Sachs rejected Jho Low as a client,
14 who rejected him?

15 A It was our control function at Goldman Sachs, so, for
16 that, you have to understand that there are essentially two
17 parts of Goldman Sachs that work together, but also may have
18 different views at different times. There's the
19 revenue-generating side of Goldman Sachs, which Roger and I
20 were part of, that was always looking to make money for the
21 firm, to get transactions to work with clients, and clients on
22 board, so we, you know -- it was our business and our mandate
23 to bring in revenues. That's one side.

24 The other side was the control function of the
25 business, which really was there to make sure there was a

1 checks and balance on us on the revenue side. That checks and
2 balance required things like the KYC process -- know your
3 customer process -- making sure that we weren't engaged in
4 activities or with clients that were engaged in activities
5 that were illegal or otherwise didn't meet our standards at
6 Goldman Sachs. So those two sides of the business existed --
7 as I said, they were working together at times -- but
8 sometimes, like in the case of Jho, have different points of
9 view.

10 The control side would always have the ability to
11 stop us from doing piece of business or work with a certain
12 client if they weren't comfortable with what I just described
13 on their side.

14 (Continued on the following page.)
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1 DIRECT EXAMINATION (Continued)

2 BY MR. ROLLE:

3 Q So in the case of Jho Low, were these control functions
4 comfortable?

5 A They were not.

6 Q And they rejected him?

7 A That's correct.

8 Q Was Jho Low proposed as a formal client of Goldman Sachs
9 just that one time in Switzerland?

10 A No, sir. They were other attempts going forward from
11 that point, as well.

12 Q Who was responsible for those attempts?

13 A As I mentioned before, Roger was really responsible for
14 almost all of these attempts. I did propose Jho later at some
15 point as a private client again.

16 Q Did you support all of those attempts?

17 A I did.

18 Q And for all of those attempts, was Jho Low rejected each
19 time?

20 A Yes.

21 Q By the control functions?

22 A Yes.

23 Q So if Jho Low had been rejected multiple times by control
24 functions, why were you and the defendant working with him on
25 1MDB bond transactions and Magnolia, Maximus and Catalyze?

1 A At the very basic level, because we wanted that business.
2 Roger and I had covered 1MDB since its inception in 2009.
3 Roger was the lead banker. We were looking for business with
4 1MDB all through those years, and we knew by working with Jho,
5 by working with 1MDB, on potential transactions, that Jho was
6 the key decision-maker, and because we were so keen on getting
7 this business -- again, Goldman Sachs didn't allow us
8 really, -- of course they would allow us, but Goldman Sachs
9 wanted us very badly, to win any business that was of size,
10 you know, franchise value.

11 So the Tanjong, when they were being sold for three
12 and a half billion dollars, was one of those transactions we
13 wanted to be part of very badly. And 1MDB wanted to hire us.
14 1MDB meant we had to work with Jho, because he was the key
15 decision-maker. So there was -- you know, there was no way
16 that we could go around Jho if we wanted business with 1MDB.

17 Q This key decision-making authority with at 1MDB, you said
18 Jho Low had that, right?

19 A Yes.

20 Q Did you ever disclose the key decision-making authority
21 that Jho Low had at 1MDB?

22 A Well, we -- I never disclosed to Goldman Sachs control
23 functions.

24 Q Were you required to do that?

25 A Yes, sir.

1 Q When would you have been required to disclose Jho Low's
2 key decision-making authority?

3 A At the very outset of the transaction. Before you could
4 accept the mandate, there was a process in Goldman Sachs that
5 was a business selection and conflicts check, and the BIG
6 check as well, B-I-G section. B-I-G stands for Business
7 Intelligence Group. That check had to be into and done before
8 we could accept any mandate. And part of that check requires
9 any disclosure so that Goldman Sachs can get comfortable with
10 it, with any person that was relevant or even in control
11 position of our client, of our potential client.

12 So yes, there was a clear requirement by the
13 procedures of Goldman Sachs to disclose that to control
14 functions.

15 Q And did you ever disclose Jho Low's key decision-making
16 authority to the control functions?

17 A I did not.

18 Q Why didn't you?

19 A Because his involvement, in my view, and Roger shared
20 that, as did others at Goldman Sachs also who, on the business
21 side, who we talked to about Jho's involvement who were aware
22 of his control position, so collectively, we decided that we
23 would not make that disclosure.

24 Q But why?

25 A Because we knew -- again, collectively we knew that any

1 such mention would basically shut down the deal at Goldman
2 Sachs and essentially raise the red flag, the famous red flag
3 that would stop a transaction at any bank. And in particular,
4 at Goldman Sachs, this would have happened had we disclosed.

5 Q And at the time of the 1MDB bond transactions, had Jho
6 Low already been rejected by control functions previously?

7 A On several occasions, yes.

8 Q Do you have an understanding as to why you were required
9 to disclose Jho Low's key decision-making authority?

10 A The firm -- and I think, it's again, a general principle,
11 requires this hurled of, know, any client which means know
12 your customer. Knowing your customer is a very white term, of
13 course. But at the very basics, it wants to know who is
14 actually behind any client, who are the key decision-makers,
15 who are the owner, who the beneficiaries of those entities.
16 That really is the first hurled or the first level of
17 knowledge you must have as a bank and to proceed with a
18 client.

19 Q Who is responsible to -- who is required to make this
20 disclosure of key decision-making authority?

21 A Anybody who has knowledge of that. So it's not just
22 restricted to, let's say, myself as a senior banker. Roger
23 you know, as the client person -- and actually, I think the
24 obligation is on anyone who has knowledge of that and can
25 raise that with the control functions.

1 There is a process, as I mentioned before, that we
2 go through at the outset of any transaction which includes
3 providing details of that KYC, you know, questionnaire, of a
4 KYC questionnaire. That is prepared by the deal team which
5 included Roger and myself and others, as well.

6 Q Was disclosure of Jho Low's key decisions making
7 authority only required at the outset of three 1MDB bond
8 transactions?

9 A No. At the outset, the memo is prepared and the
10 disclosure is made. But the disclosure obligation doesn't
11 stop there. The disclosure obligation continues throughout
12 the transaction or any time thereafter. You know, disclosure
13 does not stop at the outset of the transaction, no.

14 Q In the course of the 1MDB bond transactions, were you
15 ever asked questions about Jho Low's involvement in 1MDB?

16 A Yes, I was.

17 Q Did you tell the truth about your full knowledge of Jho
18 Low's key decision-making authority at 1MDB when you were
19 asked those questions?

20 A I did not.

21 Q Now, you mentioned that other bankers were aware of Jho
22 Low's key decision-making authority?

23 A Yes.

24 Q How do you know -- well, did you tell any other bankers
25 about Jho Low's key decision-making authority?

1 A Yes. And I need to give, maybe, a full perspective of
2 this, if I may.

3 The other bankers that knew about Jho Low, knew of
4 him through myself and Roger and discussions we had on many
5 occasions throughout 1MDB's life, almost. But in particular,
6 during the transactions of Magnolia, Maximus, and Catalyze.

7 (Court reporter interrupts for clarification.)

8 A The knowledge that those bankers had came from direct
9 discussions I had and Roger and I had with those bankers.
10 Through the life of 1MDB, before the transactions and then
11 very much so during the transactions in particular, because we
12 would have meetings all the time, these were the biggest
13 transactions in Goldman Sachs history, as far as we were
14 concerned, and therefore, we would have a constant -- I mean,
15 constant dialogue amongst ourselves. Those bankers included
16 Andrea Vella, who was on the investment banking side, you
17 know, kind of the deal captain for all the activities we were
18 doing on 1MDB, Toby Watson, who was the head of that desk who
19 was going to be doing the underwriting, John Dunne who was,
20 again, working for Toby as a structurer, Roger and I, we would
21 have mainly discussions where we would talk about Jho's
22 involvement where we would actually decide that we needed
23 Jho's help for certain elements of the transaction, and then
24 Roger and I were asked by those other bankers to go out and
25 get Jho's help, get something from IPIC, get something from

1 1MDB, or the prime minister of Malaysia.

2 In addition, post-Project Magnolia, right after the
3 first transaction concluded, Roger and I took our chairman at
4 the time for Asia, a gentleman by the name of Mike Evans, to
5 1MDB CEO to say thank you for the business. We had just made
6 \$200 million, plus our advisory fee, so I think we made
7 \$220 million of 1MDB, and it was only appropriate for us to go
8 say thank you for the business because Goldman had just
9 received \$220 million. The CEO of 1MDB, Shahrol Halimi, at the
10 time, turned to Mike in front of Roger and myself and said,
11 don't thank me for this business, you have to say -- thank Jho
12 Low for this business. So Mike from that moment knew also
13 that Jho was involved. Mike was somebody who had -- excuse
14 me. Mike was somebody who had asked me throughout the project
15 Magnolia before this meeting if Jho was involved. It was one
16 of those examples where I lied, because I said, no, Jho was
17 not involved. I may have added the fact that he had made
18 certain contacts for 1MDB in the middle east, but I said -- I
19 lied outright and said no, he was not involved, otherwise.

20 Q I'd like to pull up Government Exhibit 3 for
21 identification.

22 Can you see that on your screen, sir?

23 A Yes, sir.

24 Q Do you recognize it?

25 A That's Andrea Vella, who, as I mentioned, he was deal

1 captain at the time of the fundraising of 1MDB's bond
2 transactions.

3 MR. ROLLE: At this point, we would offer Government
4 Exhibit 3.

5 MR. AGNIFILO: We have no objection.

6 THE COURT: It's admitted.

7 (Government Exhibit 3 was received in evidence.)

8 You never offered 1.

9 MR. AGNIFILO: Not yet.

10 THE COURT: I'm sorry.

11 MR. AGNIFILO: They hadn't offered it just yet, but
12 we have no objection to it.

13 MR. ROLLE: Yes, Judge, we would offer it.

14 THE COURT: You offer 1 also?

15 MR. ROLLE: Government Exhibit 1 is in evidence,
16 Judge.

17 THE COURT: I never admitted it. You showed it for
18 identification.

19 MR. AGNIFILO: We don't object. We can submit it
20 now if it wasn't in before.

21 MR. ROLLE: I would offer it now, Judge.

22 THE COURT: Sure. 1 and 3 are admitted.

23 (Government Exhibit 1 received in evidence.)

24 Q What decision was Andrea Vella in?

25 A Andrea Vella was in the investment banking division, sir.

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1 He was the head of the capital markets group within investment
2 banking Asia at that time of the transactions.

3 Q And just I'll just remind you keep close to the
4 microphone and keep your voice up.

5 A Yes, sir.

6 Q Why did you disclose Jho Low's key decisions-making
7 authority to Andrea Vella?

8 A Because I trusted him, he trusted me, and it was one of
9 those things that was actually crucial, as I had said before,
10 to the transactions happening. And Andrea attended at the
11 outset of Project Magnolia, a very important lunch in Kuala
12 Lumpur where Roger and I had lunch with Jho, Jasmine Loo,
13 and -- who was the general counsel of 1MDB, and Andrea joined
14 this meeting as well, this lunch. It was very observe, again,
15 and I believe Andrea knew at that time already that Jho was
16 the key decision-maker. But in that meeting, in that lunch
17 meeting, Andrea and Jho discussed what was required from a
18 credit structuring perspective for 1MDB to raise \$1.7 billion.
19 And they were in dialogue at that time. Andrea, over the
20 years, afterwards would meet Jho on many occasions all of
21 which was hidden from Goldman Sachs in a way.

22 THE COURT: Mr. Rolle, we're to take our morning
23 break.

24 I'll remind the jurors please don't discuss the case
25 at all. You'll have a 15-minute break. Please be back at a

*Avery Armstrong, RPR
Official Court Reporter*

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1 quarter to 12:00.

2 THE COURTROOM DEPUTY: All rise.

3 (Jury exits the courtroom.)

4 (A recess was taken at 11:30 a.m.)

5 THE COURT: You may step down, Mr. Leissner. You
6 may step out.

7 (The witness steps down.)

8 THE COURT: Please be seated, everyone.

9 So the jurors have requested that the Court either
10 provide them with lunch or provide them with a longer lunch
11 break. I've never had that question. I think their concern
12 is not being able to get lunch quickly enough in the
13 cafeteria. I've asked Winnie to speak to the cafeteria to try
14 to get them to the front of the line so that they can get
15 their lunch quickly. So we're going to try that today and see
16 if the half an hour works. If they're still complaining about
17 it, we may have to extend their lunch by another 10 minutes or
18 15 minutes.

19 So I just wanted to notify the parties of that and
20 to give you an opportunity to think about it. I think if
21 we're able to get them to the in front of it line -- and I
22 don't know if Winnie was able to do that yet, that it should
23 be fine.

24 Winnie, were you able to work out everything with
25 lunch?

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1 THE COURTROOM DEPUTY: Yes, Judge. They are able to
2 accommodate when they go downstairs.

3 THE COURT: So they'll make sure they get to the
4 front of the line and get their lunch right away?

5 THE COURTROOM DEPUTY: Yes. And I'll go downstairs
6 with them.

7 THE COURT: So that should really resolve the
8 problem. If not, I'll let the parties know.

9 MR. AGNIFILO: Thank you judge.

10 THE COURT: Great. Enjoy your break.

11 (Judge MARGO K. BRODIE exits the courtroom.)

12 (Recess taken.)

13 (Judge MARGO K. BRODIE enters the courtroom.)

14 (Jury enters the courtroom.)

15 THE COURT: Please be seated, everyone.

16 Please proceed, counsel.

17 MR. ROLLE: Thank you, Your Honor.

18 Q Mr. Leissner, before we took a break, we were talking
19 about Andrea Vella?

20 A Yes.

21 Q If you could publish -- thank you.

22 A Andrea was the head of capital markets and investment
23 banking which was, on our transaction, really the more senior
24 role to be paid on 1MDB transactions. He was really in charge
25 of all the financial structuring, the internal work at Goldman

1 Sachs, he was sitting on some of the committees. He was
2 really, I would say, the deal captain, other than, perhaps,
3 Roger and myself who were the courage people. But he was
4 really the person who was within Goldman Sachs, the deal
5 captain.

6 Q You mentioned earlier that you did have discussions
7 directly with bankers about Jho Low's key decision-making
8 authority, right?

9 A That's correct.

10 (Court reporter interrupts for clarification.)

11 Q That's something you and the defendant had known,
12 correct?

13 A Yes.

14 Q Those bankers included Mr. Vella, who we see here,
15 correct?

16 A That's correct.

17 Q Toby Watson, you mentioned?

18 A Yes, sir.

19 Q Someone named Jonathan Dunne?

20 A Jonathan Dunne, Yes.

21 Q Within that group of people, including the defendant, was
22 there any understanding of how you would handle this
23 information about Jho Low being the key decision-making?

24 A Yes. On numerous occasions, as a group, we discussed
25 that we have to keep this information away from the control

1 functions. And not only that, we agreed, as a team, to be
2 very careful about our internal communications. In
3 particular, the usage of our e-mail system within Goldman
4 Sachs and also any telephones that Goldman Sachs had provided
5 to us. Some of the lines of Andrea and Toby and others,
6 Roger, Jonathan. I think mine was probably in that small
7 team, the only one that was not recorded. All the other
8 telephones in the office were recorded. Blackberrys issued by
9 Goldman Sachs, we believed were recorded.

10 And so we had one very crucial meeting in Andrea's
11 office where it was Roger and myself, Andrea, Toby, and
12 Jonathan, where very specifically, Andrea said we have to keep
13 everything off the Goldman Sachs e-mail network, because on
14 the previous transaction that he had undertaken in his group,
15 there was also some legal compliance issue that was put on the
16 Goldman Sachs e-mail system which was discovered in some of
17 the sweeps that, on occasions, the control functions would
18 conduct on our e-mail system. This was discovered, and you
19 know, brought a transaction which I'm not aware of what it
20 was, but it brought a transaction to a stop. And therefore,
21 Andrea, having had this experience, cautioned us to ensure
22 that we keep any mention of Jho, his involvement, his
23 decision-making power, or anything related to that, off that
24 e-mail system and insisted to either talk in-person, when it
25 became important, or use our private telephones. So making

1 calls, basically.

2 Q Did you have an understanding at the time of the 1MDB
3 bond transactions that your Goldman Sachs e-mail accounts
4 could be surveilled?

5 A Yes. We were very much aware of that.

6 Q Who could look at your e-mails?

7 A The control functions.

8 And this was the point that Andrea had made in my
9 previous statement that he had an experience where that
10 surveillance had resulted in a deal to be stopped.

11 Q On the 1MDB bond transactions, did you use -- you said
12 private phones -- did you use private e-mails that wasn't
13 Goldman Sachs e-mail?

14 A Yes. I certainly did. I used always my private phone,
15 and on many occasions, the communication with Jho or other key
16 members of Jho's team and also Roger on some of the more
17 sensitive points went on to the private e-mails.

18 Q Was the -- were the 1MDB bond transactions the first
19 time, though, that you used personal e-mail to communicate
20 with Jho Low?

21 A No. We -- I had commuted with Jho before on other
22 transactions that we were contemplating -- that Roger and I
23 were contemplating with Jho on our private e-mails. There was
24 something in Indonesia that we discussed with Jho, and there
25 were many instances where we would communicate with him and

1 his team, again, on our private e-mails.

2 Q Prior to the 1MDB bond transactions, did the defendant
3 use his private non-Goldman Sachs e-mail to communicate with
4 Jho Low?

5 A Yes, he did as well.

6 Q How do you know that?

7 A Because I was copied on some of those messages, I was
8 forwarded some of those messages, and, again, between Roger
9 and myself, we talked about these activities with Jho that
10 were off the Goldman Sachs network all the time.

11 Q Was your personal e-mail address in your own name?

12 A Yes, it was.

13 Q Did the defendant have an e-mail address in his name?

14 A Yes, he did.

15 Q Did he use that to communicate with Jho Low?

16 A Yes, he did. And he also used other e-mails, personal
17 e-mails in other names.

18 Q What other names do you remember for those e-mail
19 accounts?

20 A I believe one was Queensgate@Gmail.com. I think there
21 was something, again, with Victoria as well. There were
22 several other names that he used.

23 Q Now, you and other bankers at Goldman Sachs at the time
24 of the 1MDB bond transactions knew of Jho Low's key
25 decision-making authority, correct?

1 A Yes, that's correct.

2 Q Did you or the defendant ever disclose to those bankers
3 the full scope of what you knew about Jho Low and the criminal
4 scheme that surrounded these bond transactions?

5 A No. We never disclosed the scheme to other bankers. The
6 scheme only Roger and I knew at Goldman Sachs, as far as I
7 know. I never made any disclosure of such to the other
8 bankers. They only knew of his influence and rumors or other
9 things that Jho may be doing. But they didn't know from me
10 about the scheme.

11 Q You said the bankers may know of rumors on the deal.

12 But what do you mean they may have known of rumors?

13 A Certainly, following the first transaction, but even
14 prior to it, Jho, there were many question marks around Jho
15 and his relationship with the prime minister, the first lady,
16 and those included, yeah, lavish gifts to the first lady of
17 the prime minister and things like that. So Asian conclusion
18 to that was that many of these bankers new about that Jho was
19 paying -- maybe not necessarily yet on our transaction, but
20 paying certainly the first lady, as well as maybe, perhaps,
21 the prime minister. I however, did not provide any such
22 disclosure and to my knowledge, neither did Roger.

23 Q You said that the Asian conclusion that maybe Jho Low was
24 paying Government officials on deals, right?

25 A Correct.

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1 Q When you say the Asian conclusion, who were you referring
2 to?

3 A Sorry for using such a broad term. However, when you
4 work -- when I worked in Asia and my colleagues in Asia too,
5 we shared a cynical view that in many of the countries, bribes
6 were paid, certainly amongst local community to ensure
7 transactions or just business was conducted with the approval
8 by the government.

9 Q Did you ever confirm for your fellow bankers that you
10 knew bribes were being paid and kickbacks were being paid on
11 the 1MDB bond transactions?

12 A No.

13 Q Do you know if the defendant ever confirmed for your
14 fellow bankers that bribes and kickbacks would be paid on the
15 1MDB bond transactions?

16 A I don't know that he did.

17 Q And why wouldn't you disclose that to your fellow
18 bankers?

19 A Because this was really the most sensitive part of this
20 arrangement. We could not be sure, Roger and I, that other
21 people, other bankers that we might disclose to that he and I
22 were going to receive kickbacks, that they might not raise the
23 red flag within Goldman Sachs, or that bribes were, in fact,
24 being paid to government officials.

25 It is one thing to suspect, to speculate, in the

1 like, amongst the bankers that maybe something happens, but
2 confirmation by colleagues, myself or Roger, would have --
3 could have resulted in them saying, well, if we have
4 confirmation, we have to report that. That's why we didn't
5 disclose it and we -- Roger and I, made that conscious
6 decision the moment we learned that bribes and kickbacks were
7 going to be paid. We had this discussion and we concluded
8 that we will keep this to ourselves.

9 Q So I'd like to talk about that moment, if we can. We'll
10 talk in detail about it.

11 But when did you first learn that bribes would be
12 paid in and around the 1MDB bond transactions?

13 A It was at the meeting in London at the end of February
14 2012, where Roger had arranged a meeting with Jho and his very
15 close team in London to discuss Project Magnolia at that time.

16 Q Who did you learn this fact about the bribery -- who did
17 you learn it from?

18 A From Jho -- in that meeting.

19 Q And who was with you at that meeting?

20 A Roger was with me from Goldman Sachs, and on the one --
21 on Jho's side, he had -- it was himself, Jasmine Loo, who was
22 the general counsel of 1MDB and also a key person for Jho, you
23 know, liaison between him and 1MDB, and Nik Faisal, the CEO of
24 a subsidiary of 1MDB called SRC at that time.

25 Q Where specifically did this meeting happen?

1 A It happened at Jho's residence in London in Mayfair, at a
2 place called Stratton house.

3 Q Did 1MDB maintain any offices in London?

4 A They did not.

5 Q At that point in time in February -- you said late
6 February 2012?

7 A Yes. It was in late February 2012.

8 Q At that point in time, were all the details of Project
9 Magnolia set in stone in terms of the project and your work at
10 Goldman Sachs?

11 A No. They weren't. We, in fact, traveled to London to
12 discuss the Goldman Sachs side of the structure, and that was
13 my understanding from Roger, who had set up the meeting, that
14 we were going to talk about, again, the Goldman Sachs side,
15 the requirements that we had for making this transaction a
16 success. It was still early on from a funding perspective
17 that we were in this project. Yeah, that was the background
18 of our trip.

19 Q At an early -- at an early stage in a transaction like
20 Project Magnolia, who are the things that Goldman Sachs is
21 working on, what were you working on, what was the defendant
22 working on at such an early stage?

23 A So there are many -- at an early stage, there are many
24 moving parts to a transaction. At a very -- at one end,
25 actually the merger and acquisition work was going on and was

1 in full esteem. So again, the fundraising was, at that time,
2 to fund the acquisition of these power-generation assets in
3 Malaysia. So that work was being conducted. On the funding
4 side, we had put in -- put together the parameters of what was
5 required and started to work on some of the structural
6 elements. The most important piece of that really was that
7 1MDB would issue a 10-year bond that Goldman Sachs would
8 privately underwrite, and private -- it was very important to
9 1MDB and Jho Low, and that this would be a 10-year bond, with
10 a guarantee for with that 10 years from IPIC in Abu Dhabi.
11 Those were the broad parameters that we were working on that
12 might sound very simple and should take one hour, but actually
13 putting some of those things into gear and on paper, actually
14 takes quite a bit of time, thinking, analysis and the like.

15 Q And who would have to do that time, thinking, analysis,
16 and work?

17 A Really the whole team.

18 Q Goldman Sachs?

19 A Goldman Sachs, yes. The whole time was working on that.

20 Q At that point in time in February, had any entity -- you
21 mentioned a number of them, 1MDB, IPIC, Aabar, Goldman
22 Sachs -- had any of them authorized the fundraising that you
23 were discussing by that point?

24 A No. Nobody had authorized any part of the fundraising
25 yet. Goldman Sachs had gotten the internal clearance to work

1 on this project which is a -- it is an approval that's
2 required, but other than that, no.

3 Q At that meeting at Jho Low's apartment in London, did you
4 discuss the potential structure of the fundraising?

5 A That was really the start of the meeting. When we got to
6 London, it was the afternoon, and we laid out the very basic
7 terms of what we were going to do.

8 Q Who's we?

9 A I apologize. Roger and I. Roger actually was taking the
10 lead at that time to have the discussion, because he was a
11 capital market's banker, so he actually was more knowledgeable
12 than me as to those more technical elements of it, like, how
13 we would keep the underwriting private.

14 Q How could that be?

15 If you're a senior Goldman Sachs banker, how is it
16 that the defendant had any more expertise than you on these
17 points?

18 A My technical background, it was sort of -- not rocket
19 science, but my technical background was really on the mergers
20 and acquisitions side. That's how I had grown up within
21 Goldman Sachs, as well as the previous jobs I had. Roger came
22 from the debt capital management side. The issues that we
23 were talking about here was mostly debt capital markets
24 structuring elements. Like, you know, if we were to buy this
25 privately, would a rating be required, could that rating be

1 kept private, things like that, he just had more knowledge of
2 because he'd done it more times. Yes, I had work on some of
3 these transactions for my client, but really, I was not a
4 complete expert in it. Roger had done this all his life
5 previously before joining Goldman Sachs, and then as his first
6 job at Goldman.

7 Q So in that meeting, how did the topic of bribery come up?

8 A So after we had -- Roger are -- I was there and I added
9 my pieces of wisdom to it as well, after we had gone through
10 the Goldman Sachs element of the bond transactions, and I
11 think talking a little bit about the M and A side of it as
12 well, as I recall it, Jho started talking about the scheme of
13 having to basically buy approvals and authorizations within
14 Malaysia and within Abu Dhabi.

15 The way he did it, he took a piece of paper,
16 literally, a white piece of paper and drew for Roger and
17 myself, two columns on the piece of paper, a Malaysian column
18 and an Abu Dhabi column. In the Malaysian column, he
19 described how payments had to be made to the prime minister,
20 Najib Razak, slash -- there was a slash -- Rosmah Mansor, his
21 wife, in one box. There was a second box, as I recall it, of
22 1MDB officials. There wasn't really a specific number of
23 names in there, but there was that box. And there was a box
24 for Malaysian government officials.

25 On the Abu Dhabi side, at the top level, he put

1 Sheikh Mansour, then the deputy prime minister and chairman of
2 IPIC at the same level as the prime minister of Malaysia and
3 his wife in one box. He put Khadem Al-Qubaisi who was the CEO
4 of IPIC into the next box underneath Sheikh Mansour. Then he
5 had a box for Mohamed Badawy Al-Husseiny, the CEO of Aabar at
6 the time, and then there was another box, as I recall it, for
7 IPIC in general.

8 So he put this piece of paper in front of us and
9 said, okay, for us to move forward with this transaction to
10 get all the approvals to make it happen, the \$1.7 billion
11 fundraising and the guarantee for it, these are the people
12 that have to be -- he called it, taken care of. That was the
13 term he used.

14 Q When he says taken care of, what did that mean?

15 A That was that meant to pay bribes to them to pay money to
16 them to make these approvals happen.

17 Q You talked about these boxes related to Malaysia and Abu
18 Dhabi, right?

19 A Correct.

20 Q Associated with the Government and with entities?

21 A Correct.

22 Q Were there any boxes for people who were not part of the
23 entities at all?

24 A There was no specific boxes, as I recall it, for, like,
25 myself or Roger. No, that's not what I recall. I recall

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1 just -- or Jho. I recall those boxes that I just described.

2 Q You said Malaysian government officials was a box?

3 A Yes.

4 Q Separate from the prime minister --

5 A Correct.

6 Q -- box and his wife?

7 A Yes. That's right.

8 Q What did you understand the purpose of this other bucket
9 of Malaysian officials?

10 A While the prime minister in his capacity as Minister of
11 Finance one, and shareholder of 1MDB, was actually the person
12 that had the power to approve, as shareholder of 1MDB, the
13 transactions. There were a number of people around the prime
14 minister who really acted as go-betweens between him and our
15 transactions. Those would include his private secretaries.
16 For example, that were activity engaged over the years between
17 us, Jho, and him, and us being Roger, mainly, but myself also.
18 We had engaged with these before. So you needed people in the
19 government structure of Malaysia to help coordinate the
20 efforts as well. The ultimate decision really was with
21 Minister of Finance one who happened to be the prime minister.

22 Q You talked about these people serving as go-betweens in
23 Malaysia?

24 A Yes.

25 Q Were there any go betweens on the Abu Dhabi side that

1 were discussed at the meeting?

2 A Yes. Sorry, and you're right, there was one box that I
3 had forgotten to mention as a go-between. I apologize for
4 that.

5 There was two go-between people on that piece of
6 paper. The first one was Aabar, Aabar CEO Mohamed Badawy.
7 He, of course, was part of the structure to receive payment
8 for the guarantee that IPIC was going to give. He was
9 described as a key go-between person coordinating within Abu
10 Dhabi.

11 And there was another box, and I apologize, I had
12 not mentioned it before, for a gentleman called Yousef Otiba
13 who was then the ambassador of Abu Dhabi to Washington, D.C.,
14 who Jho described in that meeting as a close friend and as a
15 person that he would call upon when, you know, things would be
16 required in Abu Dhabi and, you know, things get stuck,
17 perhaps. And by stuck, I mean that people wouldn't respond or
18 people would move slow or whatever, he said that Yousef was
19 going to help him to speed and -- speed up things and expedite
20 approvals and people doing their job in Abu Dhabi.

21 Q Why -- what was your understanding as to why any of these
22 people would need to be bribed?

23 A Jho was very clear about this in that meeting to Roger
24 and myself. Jho said that without payments, we can forget
25 this transaction completely. It's only going to happen if

1 these people get paid.

2 Q Did you learn at that meeting how much money would need
3 to be paid as part of the scheme and bribes?

4 A There was only a very brief discussion on this topic.
5 Jho outlined that at the very top level, if you recall the top
6 boxes were Najib Razak, his wife Rosmah Mansor on the one
7 hand, and on the other hand there was Sheikh Mansour of Abu
8 Dhabi. He said those two had to be equal, otherwise, they
9 would not be happy and accept this. And it had to be equal
10 and it had to be perceived to be equal. Meaning, they had to
11 know, each side, that they were getting equal payment.

12 He further said, at that time, that Sheikh Mansour
13 in Abu Dhabi, wouldn't get out of bed, quote, unquote, for
14 anything less than \$100 million. And therefore, by
15 implication, that would apply to the Malaysian side as well.

16 Q At the meeting, did you learn where the money would come
17 from to pay these bribes that Jho Low outlined for you and the
18 defendant?

19 A From the bonds, the fundraising that we were going to
20 undertake with Project Magnolia.

21 Q And what was explained in that regard at the meeting?

22 A It was still early days in terms of structuring the
23 scheme. But we discussed that the money had to be -- had to
24 come from the Goldman Sachs fundraising exercise and that we
25 had to find a way through the guarantee that Abu Dhabi was

1 providing, to find an excuse to make a payment to Aabar as a
2 guarantee fee or otherwise -- we weren't quite yet sure how we
3 would do this -- that would then be used to make these bribes
4 and kickbacks.

5 Q From a banking perspective and a structuring, you can
6 say, how can you create a link between two entities involved
7 in a structured fundraising like this where you could just
8 send money out of 1MDB?

9 A It was -- the only way that you can do so is if you have
10 a reason. Meaning, there has to be a commercial reason to
11 make such a payment. There was such a reason. The guarantee
12 that IPIC was providing was of significant value. 1MDB, as I
13 had mentioned before, could not by itself, raise this kind of
14 money. Therefore, it required the credit guarantee from IPIC.

15 In all circumstances -- by the way, credit
16 guarantees happen all the time whether they're big or small.
17 They require a payment for that guarantee.

18 Now, in the case of our structure, what we discussed
19 and this was part of the discussion at the outset of the
20 meeting, that Aabar, the subsidiary of IPIC, would receive
21 warrants in the business that was being required. Those
22 warrants were financial instruments with value again. One
23 could question the value of them, but there was positive
24 value. These were 10 year, effectively, options to buy into
25 the business for Aabar, the subsidiary of IPIC.

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1 In addition, we discussed that there could be a cash
2 payment in terms of fees for the guarantee to Aabar from
3 IPIC -- 1MDB, and that was the link to allow to have a
4 commercial reason to make a cash payment to Aabar.

5 Q You said those credit arrangements are sometimes common
6 in corporate finance transactions?

7 A Yes.

8 Q That type of payment are there other terms that might be
9 used for that?

10 A Guarantee fees. I'm drawing a blank here.

11 Q Guarantee fee is one of them?

12 A Yeah, guarantee fee is one of them for sure.

13 Q Now, at that point in late February, at this apartment,
14 what was Goldman Sachs' role in this transaction and in this
15 scheme?

16 A Goldman Sachs' role was the critical one of being the
17 underwriters on this which really meant that Goldman was going
18 to lend the money to 1MDB in the first instance. We would
19 then sell those bonds into the market to investors, but very
20 importantly -- and this was part of the first discussion that
21 we were having, Roger and I, and Roger outlined to Jho -- we
22 would be the initial purchasers of the bonds so we would buy
23 bonds, give them the money for those bonds, and then sell them
24 on. This would establish a private contract, effectively,
25 between 1MDB and Goldman Sachs. So we were the critical

1 funder, if you will, of 1MDB within Project Magnolia.

2 Q Was your work at Goldman Sachs -- did you understand if
3 it would be important to this scheme's success at the time of
4 your meeting?

5 A Yes. The whole --

6 Q How?

7 A -- the reason for Roger and I to be in this meeting and
8 to be told about this scheme was that we would act as the
9 coordinators within Goldman Sachs. And again, Goldman was the
10 critical element to get the one. Without Goldman, no one,
11 therefore no scheme. We were to coordinate within Goldman
12 Sachs. So to really help Goldman get everything done, it was
13 like internal control -- internal coordination function. But
14 also importantly, coordinate with the team of Jho Low and
15 1MDB, to ensure that other -- that everything on their side
16 would also be achieved, including on-the-ground work in Abu
17 Dhabi including on-the-ground work in Malaysia. We were the
18 chief coordinators between that team of Jho Low and others and
19 Goldman Sachs.

20 Q At that meeting, what did you learn -- did you learn if
21 you would get anything out of scheme?

22 A Yes. Roger and I were told by Jho that we would also be
23 taken care of as part of the scheme, that we would be paid
24 some money.

25 At that time, it was still undefined how much money

1 it was going to be. But we were told that we would be paid
2 for this work that we were to do.

3 (Continued on the following page.)
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1 BY MR. ROLLE: (Continuing.)

2 Q When Jho Low laid out these boxes and the fact that these
3 people would need to be bribed and you are sitting there, what
4 was your reaction to hearing that?

5 A It -- it wasn't -- it wasn't a surprise that -- again, in
6 Asia we had the perception -- I had the perception that bribes
7 were somewhat common when it came to doing business with the
8 Government. As a result, it was not a surprise. I have to
9 say, given the state of mind at the time, I was solely focused
10 on getting these transactions done so my focus was if that
11 required that bribes be paid, and I really wanted these
12 transactions to proceed, well, that's what it has to be.

13 The fact that I then would also be paid some money
14 as a result of it was of course additional motivation. It
15 wasn't maybe the crucial motivation. A part of me wanting
16 this for Goldman Sachs was much more important for me at that
17 point in time and also because, quite frankly, I didn't know
18 how much money I would be getting out of the scheme.

19 So, yes, I was motivated as well. So I was, on the
20 one hand, not surprised and on the other hand kind of happy we
21 knew what it would take to make it work.

22 Q You said you weren't surprised about hearing about
23 bribes. Did you think it was legal?

24 A No, not at all. I knew it was illegal.

25 Q Did you care that it was illegal?

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1 A Regrettably at that time in my life I didn't care whether
2 it was illegal or not. I wanted this to be done for Goldman
3 Sachs. I wanted to be a hero at Goldman Sachs.

4 Q When you learned that you would get money from the scheme
5 as you sat there, what was your reaction hearing that?

6 A It was one of those things where I was happy -- yes, I
7 have to admit I was happy at the time that I was going to be
8 paid. The main focus for me was whatever it takes to get
9 these transactions done for Goldman Sachs. But, yes, I was
10 also happy that I was going to be paid.

11 Q Did the defendant have any reaction to learning these
12 facts at the meeting?

13 A Just like me, we -- after -- after we finished the
14 meeting, we went for a dinner with Jho and his team. We took
15 cars into Chinatown and to Chinese dinner. We walked back to
16 our hotel. He was -- he was also not surprised. He took us
17 and, yeah, this is how things get done. He was also happy
18 that he knew that the deals had a way forward. He in
19 particular was happy that he was going to be paid some money
20 because I think over the years he had felt that he wasn't --
21 he wasn't adequately compensated at Goldman Sachs for some of
22 the success we had scored in Malaysia. And, don't forget, we
23 were the number one bank in Malaysia for many years and so he
24 was happy about receiving money as a recall the of scheme.

25 Q Had he complained about his compensation at Goldman Sachs

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1 through the years up to that point?

2 A Yes.

3 Q Now after you learned of this criminal scheme at the
4 meeting, again, did you tell anyone about all the aspects of
5 the scheme?

6 A Absolutely not, I did not.

7 Q Who would you talk to about the scheme?

8 A Roger.

9 MR. ROLLE: Judge, at this point, I think we will
10 use the demonstratives that we put in the courtroom. I would
11 ask if Ms. Smith would be free to walk around the courtroom to
12 do that.

13 THE COURT: Of course.

14 MR. ROLLE: But first we want to mark for
15 identification Government Exhibits 4, 5, 7, 12, 13, 16, 17,
16 19, 20, 21, 22, and 23 for identification.

17 BY MR. ROLLE:

18 Q And, Mr. Leissner, you should have a binder of documents
19 next to you in the chair. Do you see that?

20 A Yes.

21 Q There's a number of tabs in that binder and we are going
22 to go through them. But, first -- so I want you to first take
23 a look. If you could turn to tab two in your binder, which is
24 Government Exhibit 16 for identification.

25 A Yes, yes.

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1 Q Do you recognize that?

2 A Yes.

3 Q What is it?

4 A Yes, it's a picture of Najib Razak, the prime minister of
5 Malaysia during the time of the 1MDB transactions.

6 Q If you could turn to tab 3, Government Exhibit 17, for
7 identification.

8 A That's his wife, Rosmah Mansor, the wife of Najib Razak.

9 Q If you could turn to tab five, Government Exhibit 22, for
10 identification.

11 A That's a picture of Sheikh Mansor, deputy prime minister
12 of Abu Dhabi and chairman of IPIC at the time of the 1MDB
13 transactions.

14 Q If you would turn to tab 6, Government Exhibit 19 for
15 identification.

16 A That's Khadem Al-Qubaisi, the CEO of IPIC at the time of
17 the transactions.

18 Q Turn to tab seven, Government Exhibit 20 for
19 identification.

20 A That's Mohamed Badawy Al-Husseiny, the CEO of Aabar at
21 the time of the transactions.

22 Q If you could turn to tab 8, Government Exhibit 21 for
23 identification.

24 A Yes. Yousef A-Otaiba, the ambassador to the U.S. of Abu
25 Dhabi in -- well, during the time of the transactions up to

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1 now as well.

2 Q Government Exhibit 12 for identification, tab nine.

3 A That's a picture of the late Dato Azlin, the principal
4 private secretary of Najib Razak, the prime minister.

5 Q You said the late?

6 A Yes, he has passed away since.

7 Q Was he alive at the time of the 1MDB transactions?

8 A Yes, he was.

9 Q If you could turn to tab 14, Government Exhibit 23 for
10 identification.

11 A That's Eric Tan, a close associate of Jho Low.

12 Q That was Government Exhibit 23 for identification. If
13 you could turn to tab 15, Government Exhibit 5 for
14 identification.

15 A That's Judy Leissner Chan, my ex-wife.

16 Q If you could turn to tab 16, Government Exhibit 4 for
17 identification.

18 A That's Lim Hwee Bin, Roger's wife.

19 Q If we could -- just look at your screen for a moment. I
20 don't believe this is in your binder, but if you could pull up
21 Government Exhibit 7 for identification.

22 (Exhibit published.)

23 Q Who is that?

24 A That's Nik Faisal, the CEO of the SRC subsidiary of 1MDB
25 at the time of the transactions.

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1 MR. ROLLE: And, Mr. Youkilis, please pull up
2 Government Exhibit 13 for identification.

3 (Exhibit published.)

4 A That's Amhari. He was a principal -- private -- a
5 private secretary of Najib Razak as well. He was under Dato
6 Azlin.

7 MR. ROLLE: Your Honor, at this time we would offer
8 Government Exhibit 16 -- well, Government Exhibit 4, 5, 7, 12,
9 13, 16, 17, 19, 20, 21, 22, and 23 into evidence.

10 MR. AGNIFILO: No objection, Your Honor.

11 THE COURT: They are all admitted.

12 (Government Exhibits 4, 5, 7, 12, 13, 16, 17, 19,
13 20, 21, 22, and 23 received in evidence.) *

14 BY MR. ROLLE:

15 Q If you could turn back to tab two in your binder.

16 MR. ROLLE: And if we could pull up and public
17 Government Exhibit 16.

18 (Exhibit published.)

19 Q Do you have tab two open?

20 A Yes, sir.

21 Q Who is that?

22 A That's Najib Razak, prime minister at the time of the
23 transactions of Malaysia as well as the Minister of Finance at
24 the time.

25 Q And was prime minister, Najib Razak involved in the 1MDB

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1 bond transactions, Magnolia, Maximus and Catalyze?

2 A Yes, he was, sir.

3 Q How was he involved?

4 A He was the ultimate decision maker and authorizer on the
5 1MDB side as the shareholder of 1MDB -- as shareholder of
6 1MDB, he had to give the approval of 1MDB to the institution
7 into enter into the M&A transactions and, two, to do the
8 fundraising.

9 Q I believe you testified earlier he was close to Jho Low;
10 is that right?

11 A Yes, correct.

12 Q Now -- sorry, but why would the prime minister have to be
13 involved in anything to do with these financial transactions
14 for 1MDB?

15 A Again, 1MDB was a government sovereign wealth fund,
16 meaning it was directly owned by the Government, by the
17 ministry of finance. So, it was one share in one 1MDB that
18 was held by the minister of finance and he was the minister of
19 finance. So he had to approve every major transaction that
20 1MDB was undertaking.

21 Q What power or authority did he have over these bond
22 investments?

23 A On the 1MDB side, ultimate power and approval power to
24 approve the transactions.

25 Q From your attendance with the defendant at the meeting in

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1 London, what if anything did you understand that Najib Razak
2 would be getting in the scheme?

3 A That he would be paid for his approval and support of the
4 transactions.

5 Q Go to tab 3.

6 MR. ROLLE: And please pull up Government Exhibit
7 17.

8 (Exhibit published.)

9 Q Who is that, sir?

10 A That's Rosmah Mansor, Najib's wife.

11 Q Did she have a title as the prime minister's wife?

12 A There was no official title for her. I don't believe so.
13 She sometimes referred to as the first lady.

14 Q Was she involved in the 1MDB bond transactions?

15 A She was to the extent that she had influence on her
16 husband and a very close relationship to Jho. So she was a --
17 she was a person that Jho would at times speak to to get
18 certain approvals from her husband.

19 Q And do you know if Rosmah Mansor received anything in
20 connection with the 1MDB bond transaction?

21 A Yes, I do.

22 Q How do you know that?

23 A Because, one, she was on the list that I described before
24 with that sheet of paper on the Malaysian side next to her
25 husband. I also know that I made a transfer to a jeweler in

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1 New York that was going to buy -- that was a financial
2 statement for a diamond that was earmarked by Jho for her and
3 also from direct communications with Jho did I know that she
4 received money as part of these transactions.

5 Q You said you made a transfer to a New York jeweler?

6 A That's right.

7 Q How did you make that transfer?

8 A By wire out of Capital Place.

9 Q Do you remember how much it was?

10 A I believe it was around about \$4 million.

11 Q And what was the purpose of sending that money to the
12 jeweler in New York?

13 A It was at the direction of Jho to buy a diamond for the
14 first lady of Malaysia.

15 Q And do you recall when that happened in relation to the
16 bond transactions?

17 A It was part and parcel of the payments that I received to
18 pass on to other people at the request of Jho.

19 Q If you could turn to tab nine.

20 MR. ROLLE: And we could pull up Government Exhibit
21 12?

22 (Exhibit published.)

23 Q Who did you say this was?

24 A That's Dato Azlin, the private secretary of Najib Razak,
25 the prime minister.

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1 Q Could you repeat his title?

2 A He was the principal private secretary to Najib Razak, as
3 prime minister and minister of finance at the time of the
4 transactions.

5 Q And was -- you said the word dato?

6 A Yes.

7 Q What is that?

8 A It's an honorary title in Malaysia similar to what you
9 would know from the U.K. system as a sir.

10 Q Was Dato Azlin involved in the 1MDB transactions?

11 A He was very much the coordinator for Najib to Jho and to
12 many of our interactions with the Government. He would speak
13 at rating presentations. He was -- yeah, he was involved
14 every step of the way for the Government.

15 Q If you could turn to tab ten.

16 MR. ROLLE: And pull up Government Exhibit 8, which
17 is in evidence.

18 (Exhibit published.)

19 Q Who is that?

20 A That's a picture of Jasmine Loo the general counsel of
21 1MDB.

22 Q What if any role did Jasmine Loo have in the one 1MDB
23 transaction?

24 A Jasmine was a very key component of the 1MDB Jho Low
25 connection. She was the general counsel at 1MDB. She worked

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1 on pretty much all of the transaction terms, structuring terms
2 at 1MDB and for 1MDB, but she was also a key person to
3 coordinate with Jho when Roger and I did not have to -- didn't
4 go to Jho directly. We could also go to her as well as
5 Terence Geh who was the deputy CFO to reach Jho if required.

6 Q Do you know if Jasmine Loo received -- you mentioned
7 Jasmine Loo was at the meeting in London; is that right?

8 A Correct.

9 Q Do you know if she received any money for these
10 transactions through the criminal scheme?

11 A Yes, she did.

12 Q How do you know that?

13 A She told me herself and Jho had confirmed it as well.

14 Q If we turn to tab 11.

15 MR. ROLLE: And pull up Government Exhibit 9 which
16 is in evidence.

17 (Exhibit published.)

18 Q Who is that?

19 A Terence Geh, the deputy CFO at 1MDB at the time of the
20 transactions.

21 Q What's a deputy CFO?

22 A It's the second position within the finance department.
23 The CFO officially is the chief financial officer and the boss
24 of the deputy CFO, but as a deputy CFO you are in charge of
25 the accounting, the cash flows of the entity and the like.

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1 Q What role did Terence Geh have on the 1MDB bond
2 transactions?

3 A He was -- one of the most important people on the
4 fundraising. He was really on the funding side of the
5 transactions. He helped structure it for 1MDB. He helped do
6 all the work that was required on the finance side as opposed
7 to Jasmine's work that was more general, but he also
8 importantly was in charge of basically starting all the cash
9 flows and working at 1MDB on that whether it was receiving the
10 money and the funds from Goldman Sachs into the 1MDB account
11 and also from then, there, send the money from 1MDB into other
12 places from there.

13 Q How do you know Terence Geh was responsible for those
14 cash flows as you described them?

15 A Post Magnolia there was a meeting that Roger and I
16 attended at Jho's residence in Kuala Lumpur where Terence --
17 he had a meeting -- prior to meeting with Roger and I with
18 Terence where there was -- where they talked about the funds
19 going from 1MDB to another account that was part of the scheme
20 but there was some kind of a hiccup that they were discussing
21 and Jho told Terence to go and sort it out because he was
22 having the communication with a bank -- he being Terence was
23 having communications with the banks to -- to forward that
24 particular cash flow transfer of money from 1MDB into this
25 next entity.

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1 Q That transfer of money that you're referring to, you
2 mentioned that transfer was in connection with the criminal
3 scheme?

4 A That was my understanding from the context of the
5 discussion, yes.

6 Q Was there multiple banks involved as far as you knew in
7 executing the criminal scheme?

8 A There was really two banks involved as far as I knew
9 from -- that were involved. There was Sultan Bank, a private
10 bank -- which is a private bank, and then another private bank
11 called BSI.

12 Q In totality --

13 A I'm sorry -- sorry, my bank account was Capital Place's
14 bank account was at Cliiyu Bank account in Hong Kong. There
15 were many other banks involved on the sending side. Roger's
16 bank I think was UBS and other recipients of the funds from
17 Capital Place. I think had an account at Nomura, at J.P.
18 Morgan, I believe. So there are many different other banks
19 that were receiving money as part of the scheme.

20 Q Going back to Terence Geh, did you have an understanding
21 of which institutions or what banks the cash flow
22 responsibilities you described Terence Geh had, what those
23 were related to?

24 A The -- they -- well, they related -- first at the very
25 basic level receiving the money from Goldman Sachs and then on

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1 the second level it was -- the purpose was to send money for
2 the bribes and the scheme to a separate account which I
3 believe was at BSI. So he was -- yeah, that was his work, his
4 undertaking as it related to the scheme.

5 Q Was Terence Geh close to Jho Low?

6 A Very close.

7 Q Are you aware if he received anything as part of the
8 scheme?

9 A I am only aware of this insofar as Roger told me that he
10 had received money, Terence, as part of the scheme; that he
11 was unhappy about the payment that he had received and that
12 what -- Roger actually had to top him up from his portion of
13 the share -- of the money being -- of his share of the
14 kickback.

15 Q But this is information about Terence Geh that you
16 learned how?

17 A From Roger.

18 Q Did you ever learn if anyone else expressed unhappiness
19 with the money they received as part of the scheme?

20 A Jasmine was also unhappy. She expressed that to me in a
21 meeting I had with her in Singapore where she was waiting for
22 her money to arrive into a Credit Suisse account that she had
23 and she felt that that money that she was about to receive and
24 waiting for was also not adequate.

25 Q If you could turn to Tab 12.

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1 MR. ROLLE: And if we can pull up Government Exhibit
2 10 which is in evidence.

3 (Exhibit published.)

4 Q Who is that, sir?

5 A Vincent Koh. He was the chief investment officer at 1MDB
6 at the time.

7 Q What's a chief investment officer?

8 A A chief investment officer is really the person who is in
9 charge of making the investments at an organization such as
10 1MDB. That was Terrence's job. He was in charge of the
11 acquisitions being made with some of the funds we had raised
12 at Goldman Sachs.

13 Q And do you know if Vincent Koh was to receive anything or
14 did receive anything as part of the scheme?

15 A I'm not aware if he was part of the scheme or received
16 money.

17 Q If you could turn to tab 13.

18 MR. ROLLE: We can pull up Government's Exhibit 11
19 which is in evidence.

20 (Exhibit published.)

21 Q Who is that?

22 A It's a picture of a gentleman with the first name of
23 Jerome. I do not remember what his last name is. He was part
24 of Vincent Koh's investment team working on the acquisitions.
25 I did not work with him very closely.

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1 Q Did he work at 1MDB?

2 A Sorry, yes, he was in Vincent Koh's investment team at
3 1MDB.

4 Q Do you know if he received anything as part of the
5 scheme?

6 A I'm not aware of that.

7 MR. ROLLE: If we could pull up Government Exhibit 7
8 which is in evidence.

9 (Exhibit published.)

10 Q It should be on your screen. Who did you say that was?

11 A That's Nik Faisal. He was the CEO of SRC, a subsidiary
12 of 1MDB.

13 Q Was he involved in the 1MDB bond transactions?

14 A Not as far as I remember, other than attending that
15 meeting that I had described in London. He was there and he
16 was present but he did not have an active role in the 1MDB
17 business.

18 Q Are you aware if he received anything as part of the
19 scheme you described?

20 A I'm not aware if he ever received any payment.

21 Q If we could pull up Government Exhibit 13.

22 (Exhibit published.)

23 Q Who is that?

24 A That's Amhari. He was the private secretary of Najib
25 Razak, the prime minister and minister of finance.

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1 Q What did you understand his role to be with the prime
2 minister for Malaysian government?

3 A Similarly to that of Azlin -- similar to that of Azlin
4 but not as senior. He was a coordinator between Jho, the
5 prime minister and our transactions and the prime minister's
6 office. So he was one of the key gatekeepers, if you will, to
7 Najib at the time.

8 Q And do you know if he received anything through the
9 criminal scheme that you described around the 1MDB bond
10 transactions?

11 A Knows, I don't know if he received anything.

12 Q If you could turn to tab 14 which is Government Exhibit
13 23 in evidence.

14 (Exhibit published.)

15 Q Who did you say that wiretaps?

16 A That's Eric Tan. Which tab is that?

17 Q Tab 14.

18 A That's Eric Tan, a close, close associate of Jho Low.

19 Q How do you know he was a close associate of Jho Low?

20 A I met with -- on several occasions with Jho and Eric was
21 present as well and it was very clear that Eric was very close
22 with Jho and he was doing a lot of running -- I would say
23 running around for Jho, whether it's on the private side or
24 business side he was always doing something for Jho as far as
25 I could see with my eyes when we had these meetings with Jho.

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1 In particular, Roger and I met him in Los Angeles for a dinner
2 where I think I met Eric for the first time and I was
3 surprised at how close he and Jho were.

4 Q What was his full name? Was it Eric Tan?

5 A There's more to it, but I don't recall.

6 Q And did he work for any of the entities involved in the
7 1MDB bond transactions?

8 A He did not.

9 Q Was he involved in the 1MDB bond transactions?

10 A He was not involved in the bond transactions. I did
11 communicate with him on e-mail as related to the scheme,
12 meaning the payment of bribes but he was never really
13 involved -- he was never involved in the transactions that
14 Goldman Sachs was doing.

15 Q What did you communicate with him about in connection
16 with the payment of bribes?

17 A He had -- if I recall this correctly, he was one -- he
18 had sent me some of the instructions from Jho to make payments
19 to different accounts and I was asked by Jho to coordinate
20 that with Eric to ensure that payments were made.

21 Q Did he communicate with Eric Tan over any particular
22 e-mail addresses?

23 A His Eric Tan e-mail, I don't recall what the exact e-mail
24 was. I believe it involved his full name. I also suspected
25 at times that while it was his e-mail address or certainly his

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1 name on the e-mail that potentially I was communicating with
2 Jho Low instead of Eric because from the tone and the wording
3 used and the instructions given, it seemed it could have also
4 been Jho using Eric's e-mail name.

5 Q How would you be able to differentiate whether it was
6 Eric or Jho Low talking to you?

7 A To some extent the context of the message but also the
8 tone and the language used seemed very much how Jho would
9 speak and how fluent Jho was in English which was not the same
10 with Eric.

11 Q If you could turn to tab four in your binder.

12 MR. ROLLE: And if we could pull up Government
13 Exhibit 52 for identification.

14 (Exhibit published.)

15 Q Do you recognize that?

16 A Yes, sir. It's a map of the Middle East.

17 Q And you mentioned a number of entities that were in Abu
18 Dhabi?

19 A That's correct, sir.

20 Q IPIC and Aabar?

21 A Yes.

22 Q Is Abu Dhabi reflected in Government Exhibit 52?

23 A Yes, it is, sir.

24 Q Does this map accurately depict that section of the
25 Middle East?

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1 A From my understanding, yes. Abu Dhabi is located east of
2 Doha, Qatar and somewhat southwest of Abu Dhabi.

3 Q And if we could --

4 MR. ROLLE: At this point, Judge, we would offer
5 Government Exhibit 52.

6 MR. AGNIFILO: No objection, Your Honor.

7 THE COURT: It is admitted.

8 (Government Exhibit 52 received in evidence.) *

9 (Exhibit published.)

10 BY MR. ROLLE:

11 Q Could you tell me where Abu Dhabi is located on
12 Government Exhibit 52?

13 A Certainly. It's east of Qatar, Doha if you see it in the
14 middle of the map and south of Abu Dhabi and Iran which is
15 also on the map.

16 Q There's a circle now on the map. Is that accurately
17 showing where Abu Dhabi is?

18 A Yes, it does, sir.

19 Q At the London meeting you attended with the defendant
20 what officials within Abu Dhabi did you learn would need to be
21 bribed in connection with the 1MDB bond transaction?

22 A Again, it was Sheikh Mansor, who at the time was the
23 deputy prime minister and chairman of IPIC. He was or is the
24 brother of the crown prince and the son of the King and an
25 extremely powerful person in Abu Dhabi and the world. Khadem

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1 Al-Qubaisi, who was the CEO at IPIC was also part of the
2 scheme and to be bribed. Mohamed Badawy Al-Husseiny, the CEO
3 of Aabar, was part of the scheme to be bribed and Yousef
4 Al-Otaiba, who was then and today still is the ambassador to
5 Abu Dhabi to Washington, D.C. was also on that list and
6 highlighted by Jho to receive bribes as part of the scheme and
7 to induce him to get approvals in Abu Dhabi.

8 Those were the names and then there was a general
9 box for IPIC as well, which I don't know who would fall into
10 that. There were several people at IPIC who worked on the
11 transaction, but it wasn't clear who would be part of the
12 scheme.

13 Q If you could go to tab five.

14 MR. ROLLE: And if we could pull up preponderance
15 Government Exhibit 22 which is in evidence.

16 (Exhibit published.)

17 Q Who is that, sir?

18 A That's Sheikh Mansor, the deputy prime minister, chairman
19 of IPIC in Abu Dhabi at the time.

20 Q You are saying the word Sheikh?

21 A No, Sheikh showed he was part of the royal family and son
22 of the King and an extremely powerful person in the world.

23 Q Could you explain what you understood Sheikh Mansour's
24 influence was in Abu Dhabi at the time of the transactions?

25 A Being the younger brother of the crown prince and the son

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1 of the king made him one of the most powerful people in that
2 country which, given the natural resources, is one of the most
3 powerful countries in the Middle East. It has potentially
4 more resources than even Saudi Arabia. He was a very powerful
5 person.

6 On top of that, as relates to the transactions, he
7 was the chairman of IPIC which gave him, similar to Najib
8 Razak at Malaysian side, the ultimate authority to approve the
9 transactions from being undertaken.

10 Q So when you said he had ultimate authority, Sheikh Mansor
11 said no, what would happen to the transaction?

12 A There would have been no transaction.

13 Q And could you have the transaction if he didn't say yes?

14 A Correct. We couldn't have because the guarantee from
15 IPIC to 1MDB was absolutely crucial to the transactions to go
16 forward.

17 Q And what did you understand Sheikh Mansor would be
18 receiving in connection with this criminal scheme?

19 A As Jho had outlined at the outset, he was going to
20 receive a substantial amount of money and Jho had said at that
21 meeting -- I am quoting now, he would not get out of bed for
22 less than \$100 million.

23 Q At that meeting did you have any additional information
24 about how money would be paid to Sheikh Mansor, the mechanics
25 of it?

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1 A The mechanics? No, I did not. I just knew it was going
2 to happen.

3 Q Throughout the course of your participation in the
4 scheme, did you ever learn the mechanics of how Sheikh Mansor
5 would receive the bribes sent by Jho Low?

6 A No. All payments that I was aware of that I could see
7 were done through shell companies on the receiving side as
8 well. Meaning that the identities of the actual beneficial
9 owner or the receiver of the money and the funds was hidden
10 from my view as well. So, no, I never really saw the
11 mechanics of how he was being paid.

12 Q And you talked the fact that you used shell companies to
13 send payments as part of the scheme?

14 A That's correct.

15 Q Do you know if you sent payments to Sheikh Mansor?

16 A No, I do not know.

17 Q If you could turn to -- if you could turn to tab six.

18 MR. ROLLE: And if we could pull up Government
19 Exhibit 19 which is in evidence.

20 (Exhibit published.)

21 Q Who is that?

22 A That's Khadem Al-Qubaisi. He was the CEO of IPIC.

23 Q He was based where?

24 A He is based in Abu Dhabi.

25 Q And was Khadem Al-Qubaisi involved in the 1MDB

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1 transactions?

2 A Yes, he was. As the CEO of IPIC who gave the guarantee,
3 he was very involved.

4 Q What power or authority did he have in the context of the
5 transaction?

6 A From the corporate governance side of IPIC, he -- as the
7 most senior management figure, he had to approve the
8 transaction as well. Otherwise it would not happen moving
9 forward.

10 Q And what, if anything, did you learn that Khadem
11 Al-Qubaisi would receive as part of the criminal scheme
12 surrounding those bond transactions?

13 A He was mentioned on that piece of paper and he received
14 monies out of the scheme as well. I do not know his amount.
15 That is not something that I know, but he was motivated by
16 that same scheme.

17 Q How do you know that?

18 A From Jho.

19 Q You mentioned first Sheikh Mansor. Did you ever meet
20 Sheikh Mansor?

21 A I never met him personally, but I recall I met Khadem
22 Al-Qubaisi who was my connection to Sheikh Mansor.

23 Q Turn to tab seven, Government Exhibit 20 which is in
24 evidence.

25 (Exhibit published.)

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1 Q Who is that, sir?

2 A Mohamed Badawy Al-Husseiny. He's the CEO of Aabar which
3 is a subsidiary of IPIC.

4 Q What was Mohamed Badawy Al-Husseiny's role in the 1MDB
5 transactions?

6 A He was really the key go-to person on a day-to-day basis
7 in Abu Dhabi to chase the various people to do their work. He
8 was a very close associate of Jho again. Jho would speak to
9 him on numerous occasions and he was the guy in Abu Dhabi who
10 literally would go and see people at IPIC, his parent company,
11 like the CFO or the people working for the CFO to ensure that
12 all the day-to-day work that was required to get done was
13 getting done.

14 Just as an example, a bond offering like that
15 required the drafting of a prospectus which is really a
16 lengthy document outlining the transaction and the parties
17 involved. It took quite a while to get IPIC there to help us
18 work on this particular document. They were resisting it and
19 Mohamed went to actually sit with the working team to ensure
20 that was happening. Yousef Al-Otaiba was calling Khadem on
21 behalf of Jho to get Khadem to work faster and encourage his
22 team. He was more on the ground sitting with people.

23 Q That's work as part of the official piece of the
24 transaction; right?

25 A Yes, sir.

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1 Q What did you understand his involvement was on the
2 criminal scheme surrounding the transactions?

3 A He received funds as well and he was also critical in,
4 you know -- in making this whole scheme work.

5 Q If you could turn to tab 8, Government Exhibit 21 in
6 evidence.

7 (Exhibit published.)

8 Q Who is that?

9 A That's Yousef Al-Otaiba, Jho's close friend and also the
10 ambassador of Abu Dhabi to America.

11 Q How do you know he was Jho Low's close friend?

12 A Jho mentioned it on several occasions that they were very
13 close, that Yousef would help him with respect to this
14 transaction but also arrange other things. I think he
15 arranged for a dinner with then-President Obama where Jho and
16 Mohamed attended this dinner. He worked with Jho on many
17 different things. I also saw and heard and was in the same
18 room when, on occasion more than once, Jho called Yousef, as
19 well as other officials in Abu Dhabi, to make sure that
20 signatures were obtained, that people were doing their job
21 that Goldman Sachs required them to do.

22 There were many instances during the course of the
23 transaction where we just needed people to focus and get work
24 done and they were somewhat slow and we were afraid that maybe
25 they didn't want to do it and so, Yousef and other people in

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1 Abu Dhabi were called by Jho to really put their influence to
2 work and encourage people to get everything done.

3 Q What understanding did you have about whether Yousef
4 Al-Otaiba would receive anything as part of this criminal
5 scheme?

6 A Again, he was also on that piece of paper that Jho
7 outlined and mentioned and talked about in that meeting in
8 London that he would be part of the payment at the time.

9 MR. ROLLE: Judge, It's 1 o'clock. Now is a fine
10 stopping point from our perspective if Your Honor would like
11 to break for lunch.

12 THE COURT: Yes, I was looking for Ms. Valentin, but
13 I will have Pierre take the jurors down.

14 I did receive your message about your lunch break
15 and we are going to assist you with getting your lunch faster
16 today. If that doesn't work out, then we will extend the
17 time.

18 So we are going to break for lunch. Please remember
19 that you cannot discuss the case. I will see you back at
20 1:30.

21 (Jury exits.)

22 THE COURT: You can step down, Mr. Leissner.

23 (Witness steps down.)

24 THE COURT: I will see the parties at 1:30.

25 (Luncheon recess taken.)

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1 AFTERNOON SESSION

2 THE COURT: You can bring them in.

3 (The jury enters the courtroom.)

4 THE COURT: Please be seated, everyone.

5 Please proceed.

6 MR. ROLLE: Thank you, Your Honor.

7 DIRECT EXAMINATION (Continuing).

8 BY MR. ROLLE:

9 Q Mr. Leissner, before we broke for lunch, you had been
10 walking through and identifying a number of officials you
11 understood would need to be bribed as part of one of these
12 bond transactions?

13 A Yes, sir.

14 Q One of the people within Malaysia you mentioned was
15 Terence Geh?

16 A Yes.

17 Q And sorry, remind us again what Terence Geh's position
18 was?

19 A He was the deputy CFO at 1MDB, reported to the CFO.

20 MR. ROLLE: If we could pull up, Mr. Youkilis, I
21 think it is Government Exhibit 9.

22 Q And while we wait for Government Exhibit 9, you
23 understood that Terence Geh -- you understood Terence Geh had
24 received money in connection with the criminal scheme?

25 A Yes, that was my understanding.

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1 Q And you learned information about that from the
2 defendant, you said?

3 A I got that information from Roger.

4 Q Did you know if Roger Ng and Terence Geh had any
5 relationship?

6 A Yes, it was my understanding they were personally friends
7 as well outside the work, yes.

8 Q And how did you know that they were personal friends?

9 A From Roger's description that they were bicycling
10 together and meeting socially.

11 Q You said bicycling together?

12 A Correct.

13 Q And would -- do you know how frequently they would be
14 socially together? Would you know that?

15 A I believe that the bicycling event was like a weekly
16 event. I don't know how often they would meet outside of
17 that, but it seemed to be a regular friendship.

18 Q And now, on your screen, is that Terence Geh?

19 A Correct. That's Terence.

20 MR. ROLLE: If we could pull up, Mr. Youkilis,
21 Government Exhibit 13.

22 Q You mentioned this person's name was Amhari?

23 A Amhari.

24 Q Do you know Amhari last name?

25 A I believe something Amhari Efendi, something like that.

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1 Q And what was his relationship to one of 1MDB
2 transactions?

3 A Again, he was the private secretary to Najib Razak, then
4 Prime Minister, minister of finance one, and the key
5 coordinating person with respect to our interaction with the
6 Government as it was required as shareholder to get those
7 approvals. So he was one of the people that Jho went to and
8 met on occasion as well as it related to business, even prior
9 to those transactions.

10 Q As Goldman Sachs employees you said earlier -- well,
11 first, actually, as Goldman Sachs employees, were you
12 prohibited from engaging in any type of bribery, money
13 laundering scheme at Goldman?

14 A Yes.

15 Q You understood that not only Goldman's rules prohibited
16 that, but there were other rules and laws that prohibited it?

17 A Absolutely. Every country has those laws and they were
18 -- those were illegal.

19 Q Now, you testified earlier that you hid the bribery and
20 money laundering scheme from other people?

21 A Yes.

22 Q Did you hide that from the defendant?

23 A No. He was part of all of the discussions we had. So,
24 no. Between the two of us, we talked about every part of the
25 scheme.

Leissner - direct - Rolle

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1 Q You hid it from bankers at Goldman Sachs?

2 A Yes, sir.

3 Q You mentioned Andrea Vella earlier and you talked about
4 his role at Goldman Sachs?

5 A Yes.

6 Q What was your understanding of the extent of his
7 knowledge about the 1MDB transactions and the scheme?

8 A Certainly Andrea Vella was well aware of every aspect of
9 the transactions. Again, he was the captain of the financing
10 side. He was involved in every aspect. He was extremely key
11 for these transactions in order to be successful.

12 He was also a person with very close knowledge of
13 Jho Low's involvement and control over 1MDB. And we did not
14 disclose to him the scheme itself. Again, between him and
15 others in that group: Toby Watson, John Donne, Roger, and
16 myself, at times there were speculations that perhaps those
17 were things to be done, but there was never anything that
18 Roger nor I disclosed as far as I know.

19 Q Now, for the Government officials that we've looked at
20 and those photographs are on these boards, for those that you
21 knew would be promised bribes or were paid bribes, ultimately
22 what was your understanding of the purpose of those bribe
23 payments?

24 A It was really one purpose alone, which is seek their
25 approval and consent, or help to make these transactions

Leissner - direct - Rolle

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1 happen, because without the transaction, there was no money in
2 1MDB to pay these bribes or kickbacks. Reversely or, you
3 know, in the same vein, without these bribes, kickbacks,
4 transactions weren't going to happen. So they were really
5 interlocked in that way. One had to rely on the other one.

6 Q Do you know if bribes, in fact, were paid as part of the
7 criminal scheme as discussed at the London meeting you
8 attended with the defendant?

9 A Yes, sir.

10 Q How do you know that bribes and payments were actually
11 made as part of the criminal scheme?

12 A For one thing, of course Jho told us, being Roger and
13 myself, that these payments were, in fact, being made, those
14 transactions, meaning he told us on several occasions that
15 people had been paid.

16 In addition, I had acted as an intermediary, if you
17 were, for some of those payments that were directed by Jho to
18 be made to other shell companies that I believe to be to the
19 benefit of people in that scheme as described in the London
20 meeting.

21 Q When you say you acted as an intermediary for payments,
22 what does that mean?

23 A That means that Jho sent money, funds to the two entities
24 that I had mentioned at the outset that were controlled by
25 shell companies in Hong Kong, Capital Place Holdings and World

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1 Merit, and that it was at his direction I then sent those
2 funds or some of those funds to other shell companies really
3 around the world at the request of Jho. And those were funds
4 that I believe were part of the scheme.

5 Q The places you were sending the money to, those were
6 entities?

7 A All I remember is that those were entities, correct.

8 Q Who did you understand was behind those shell entities
9 that made those payments from?

10 A My discussion with Jho, it was my understanding that
11 those shell companies, those entities were, in fact,
12 representing people engaged -- with people as part of the
13 scheme that we had discussed in London.

14 I could not tell who in particular each company
15 belonged to or, you know, who the beneficial owner was of each
16 company, but he made me believe that they were part of that
17 discussion that we had.

18 Q When you say that you believe the entities were
19 representing people involved in the scheme, do you mean they
20 were the beneficial owners of these entities?

21 A That's correct.

22 Q How much -- approximately how much money did you
23 intermediate or act as the intermediary to pay on to these
24 shell entities as part of the scheme?

25 A I believe in totality, between Capital Place and World

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1 Merit, the two entities received around about \$200 million, of
2 which I think somewhere in the order of 140 to 150 million was
3 intended for other recipients than myself.

4 Q Did you, in fact, send the money on to the other
5 recipients?

6 A Yes, sir, I did.

7 Q How did you know where to send it?

8 A Jho gave me instruction -- gave me the instructions and
9 he gave me detailed instructions regarding the destination of
10 those funds, where to go, with bank details, with names, et
11 cetera. Other than in the case of Roger, who gave me his bank
12 details himself.

13 Q Why -- what was your understanding as to why it was you
14 who was sending on these types of payments as part of the
15 scheme?

16 A I have to give a little bit of background, if I may.

17 After Magnolia closed -- and this was the first bond
18 transaction that we did for which Roger and I had promised
19 kickbacks and other people were to receive bribes -- there was
20 a time delay from the moment of closure to receiving the
21 money.

22 Q Sorry, the moment of closure?

23 A Closing the transaction, meaning one entity got its
24 funds. So, we actually successfully had executed this
25 transaction that we had planned to do. Therefore, it was my

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1 expectation that funds -- that I would be paid now my
2 kickback, effectively. However, there was a delay in the
3 payment; and so, I was getting somewhat anxious and I was
4 talking to Roger at the time about this, that both of us were
5 anxious because we had been successful in what we had promised
6 and now we wanted to get the other side of it, which is what
7 was promised to us at the time.

8 So when there was that delay -- and I discussed this
9 with Roger -- I decided that I would offer Jho my company in
10 Hong Kong, the company I controlled in Hong Kong. It wasn't
11 in my name, of course, but the company I controlled in Hong
12 Kong, which was Capital Place -- as a vehicle to use to send
13 some of those monies out. And I thought by offering it up, it
14 would speed up the receipt of my portion of the money as well.

15 Q How would it do that in your mind?

16 A In my mind at the time, it was just that if I offered
17 help -- it seemed like the funds were stuck somehow and I
18 couldn't quite figure out why they were stuck, but I thought
19 if I offered my help, I could actually be seen as beneficial
20 to Jho and helpful to Jho and, therefore, he'd send me a chunk
21 of money, which I then would send onwards as requested, and
22 that I could keep my portion to myself. So I figured by just
23 being the intermediary sitting there to help, I would speed up
24 my receipt of funds.

25 Q Did you have discussions with the defendant about using

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1 your shell company to do exactly what you just described?

2 A Yes. We shared at the time our anxiety that monies
3 wasn't forthcoming, that we were both waiting. We had code
4 words at the time on Blackberry messenger for this. I think
5 it was that the cakes or the cookies weren't coming fast
6 enough. And I did check with him and I did discuss with him
7 that I would offer my controlled company as a solution to Jho
8 to maybe unblock any blockage that there was to holding up
9 these funds.

10 Q What understanding did you have about whether the
11 defendant was speaking to Jho Low about this delayed payment?

12 A We discussed that. We both agreed that each one of us
13 individually would chase, so to say, Jho for those payments,
14 because if it came from two sides it would hopefully speed
15 things up or showed that we both wanted to be paid our share.

16 Q Just to back up, at the London meeting, the early stage
17 of the transaction, you left knowing you would be getting paid
18 as part of the scheme?

19 A That's right.

20 Q And the defendant would be getting paid?

21 A Correct.

22 Q At that point in time, did you understand that you would
23 have a hand in making the payments that Jho Low described for
24 you at the meeting?

25 A No, sir, I didn't have that understanding at the time.

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1 At the time I didn't know how the payments were going to be
2 paid. I certainly did not expect at that time that it would
3 involve me.

4 That only was something that I offered up to Jho
5 post Magnolia closing and the anxiety building up in Roger and
6 myself to get our funds, our share of the funds.

7 Q You offered that up because you wanted to get paid?

8 A That's correct.

9 Q Did you offer it up?

10 A I did.

11 Q Did you get paid?

12 A Yes.

13 Q And what did you do with the money that you got paid?

14 A So -- well, there was several tranches that Capital Place
15 received at that time, I think in middle of June of 2012, if I
16 remember correctly. The first payment I shared half of it
17 with Roger. And then I received subsequent payments shortly
18 thereafter, which I then sent onward at the instruction of
19 Jho.

20 Q These payments that you received and that you -- and that
21 the defendant received, were those -- those are separate
22 payments from your compensation at Goldman Sachs; right?

23 A Yes.

24 Q And your Project Magnolia and Maximus happened in what
25 years?

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1 A So Project Maximus -- sorry, Project Magnolia and Maximus
2 were the first two that happened in 2012.

3 Q And in both of those transactions, did you understand you
4 would receive kickbacks as part of you working on the deal?

5 A Yes. That's correct.

6 Q Did you understand that the defendant would receive
7 kickbacks?

8 A Yes.

9 Q In those years -- in 2012, how much did you get paid from
10 Goldman Sachs?

11 A My total compensation in that year was my best year ever
12 at Goldman Sachs because, as I had mentioned earlier, Goldman
13 Sachs received fees that were unprecedented in our history as
14 a firm, and certainly in Asia, and I was paid my best salary
15 and bonus ever. I think it was a total compensation, between
16 salary and bonus, of \$12 million.

17 Q Was that the most compensation in a year you'd ever
18 received at Goldman Sachs?

19 A It was the highest number I had received to that date and
20 I would receive in the future as well. This was my best
21 compensation ever.

22 Q And what was your understanding as to why 2012 was the
23 best compensation you ever received at Goldman Sachs?

24 A It was on the back of the 1MDB transaction, sir.

25 Yes, we were successful in other parts of our

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1 Southeast Asia business. We were doing well in Indonesia. We
2 were doing well in Singapore as well. So it was just a really
3 good year for my clients and particularly companies in
4 Southeast Asia, but really it was the 1MDB transactions that
5 made this happen.

6 If you think that in Asia investment banking our
7 total revenues around that time were maybe \$500 million, those
8 two transactions, Magnolia and Maximus, constituted over \$400
9 million of fees in P&L or revenues to Goldman Sachs. So, if
10 you can think about this, that's more than half -- more than
11 half of all of our revenues in Asia at that time. So, it was
12 very significant.

13 Q Those fees and that revenue, the effect on your
14 compensation, was that just true of its effect on compensation
15 for partners?

16 A No, sir.

17 Every member of the team received the best
18 performance bonuses they had received. That's what I recall.
19 Everybody on the team got that reward for being able to be
20 part of that team.

21 Q Do you know what the defendant's compensation was for
22 2012 for Goldman Sachs?

23 A I don't remember.

24 We did share compensation levels at the time because
25 we were friends, but I don't remember what it was.

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1 Q In addition to the compensation you received from Goldman
2 Sachs, you were separately receiving millions of dollars from
3 this criminal scheme?

4 A That's correct.

5 Q Was it permissible to receive these types of outside
6 payments and compensation at Goldman Sachs?

7 A Absolutely not, sir.

8 Q You described earlier that in connection with this money
9 flows and the kickbacks and the bribes, that there were
10 efforts to conceal this?

11 A Yes.

12 Q Could you describe sort of what the efforts were that you
13 were involved in to conceal any aspects of these money
14 movements?

15 A Certainly.

16 The first thing was that we moved all the
17 communication that we thought was sensitive, for sure all
18 communication with Jho on to all of our private accounts,
19 whether those were e-mail accounts, private phones, private
20 Blackberry messengers at that time. Much of the communication
21 that we deemed to be sensitive was done over Blackberry
22 messenger because, if you recall those days, it was believed,
23 certainly in our community, that server of Blackberry was
24 somewhere in Canada and was not accessible to the authorities.
25 So, we felt fairly safe to have those communications on

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1 Blackberry messenger. That's kind of the communication part
2 of things.

3 In addition, I was also hiding the scheme further by
4 using these shell companies that I had mentioned before in
5 Hong Kong as the agent for me to make those transfers as
6 opposed to me doing those directly myself.

7 I would say that's -- those were the relevant ways
8 of hiding the scheme.

9 Q Did you use any third-parties who might help you conceal
10 the money flows that you were receiving and sending?

11 A Well, I used my then wife Judy as an agent, if you were,
12 because I was giving her directions to move money at the time.
13 So, yes, if you consider her a third-party, she was a
14 third-party I used to conceal my identity.

15 Q That was your spouse at the time?

16 A That's correct.

17 Q And the money you sent to the defendant as his kickback,
18 what did you understand -- what aspects were used to conceal
19 that flow on the defendant's side?

20 A Similarly, it was, you know, on his side in that he used
21 shell companies as well and his wife being the beneficial
22 owner of those shell companies when they were under his
23 control, similar to me with Capital Place and World Merit.

24 MR. ROLLE: If we could pull up Government Exhibit
25 5, which is in evidence.

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1 Q Who is that, sir?

2 A That's my ex-wife, Judy Leissner Chan.

3 Q She went by Judy Chan?

4 A She went a lot of time by Judy Leissner. Now she's Judy
5 Chan.

6 Q What was Judy Chan's role in this criminal scheme?

7 A On paper, she was the owner of World Merit and Capital
8 Place, the two entities that I used to make the payments, and
9 I would give her directions and give her directives to move
10 the money in accordance with what Jho had told me to do. So
11 she was acting on my instructions, if you were.

12 Q Showing you Government Exhibit 4, who's that?

13 A That's Roger's wife, Hwee Bin Lim.

14 Q What role did Hwee Bin Lim play in this scheme?

15 A Like Judy, she owned -- my understanding, at least, from
16 the transfers I made, she owned the companies in Singapore
17 that I was transferring the money to and she was aware of the
18 scheme that we had undertaken.

19 Q How did you have that understanding?

20 A Because that's the reason why she received the money.
21 And from Roger, I understood that she knew that that's why she
22 was getting the money at the time that -- those \$35 million.

23 MR. ROLLE: You can take that down, Mr. Youkilis.

24 Q After you participated in the 1MDB bond transactions and
25 started to act as an intermediary to move money and pay bribes

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1 and kickbacks --

2 A Yes.

3 Q -- did you give up that role after the one 1MDB bond
4 transaction?

5 A No, I did not.

6 Q What did you continue to do?

7 A I posted 1MDB bond transactions. I continued to have a
8 relationship with Jho.

9 There were several payments that came later that
10 were part of this scheme and I continued to move that money,
11 at the direction of Mr. Low, Jho Low, to company or entities
12 that were earmarked by him.

13 Q As the intermediary who was moving those payments, were
14 you assisting in concealing Jho Low's involvement in those
15 payments?

16 A Yes, at all times.

17 Q Throughout that time, did you tell the truth ever about
18 what the money was, where it was from, whose money it was?

19 A No. If I had told the truth around where the money was
20 coming from, again, any bank would stop any kind of money flow
21 and report it to the authorities; so, therefore, no, I
22 continued to hide the fact of Jho's involvement or being, you
23 know, either the recipient or the sender or where it was going
24 to. There was always an intent to hide those facts.

25 Q For the money that you received for your own use and

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1 benefit through the scheme, did you spend it?

2 A Yes, sir.

3 Q Did you move it to other bank accounts?

4 A To some extent, yes. I moved monies to my own personal
5 accounts. I moved money to my later wife here in America. I
6 made acquisitions or purchases. I moved it to invest in
7 companies. So, yes, I did move it to various different
8 accounts as well.

9 Q Did you ever tell the truth to the banks where you were
10 moving the money, the truth about the money?

11 A No.

12 Q Why not?

13 A Because, again, very simply, those monies would be
14 frozen. I would not be able to use those monies. And, more
15 likely than not, any kind of posts would be reported to the
16 authorities, which could lead to the unraveling of the whole
17 scheme at that time.

18 Q Ultimately, did the scheme unravel?

19 A Yes.

20 Q After your arrest in June 2018, did there come a time
21 when you plead guilty to federal crimes?

22 A Yes, sir, I did.

23 Q What crimes did you plead guilty to?

24 A I pled guilty to the conspiracy to commit breaches of the
25 FCPA rules and laws, as well as money laundering; conspiracy

1 to commit money laundering.

2 Q And were those crimes related to the bribery and money
3 laundering scheme you have outlined and described today?

4 A Yes, sir. Those were in relation to that scheme.

5 Q The crimes that you pled guilty to, are those the first
6 crimes that you've pled guilty to in your life?

7 A Yes, sir.

8 Q Before June of 2018, had you ever been arrested?

9 A No, sir.

10 Q Mr. Leissner, why did you agree to join this criminal
11 scheme?

12 A It was a very different time for me than it is today.
13 And it's hard to describe this. Sometimes when you look back
14 and reflect, which I had a lot of time before coming here
15 today -- I had grown up in a fairly modest family. It was
16 middle class family. I -- I had been a very ambitious child.
17 And when I came into the investment banking world, that
18 ambition found its home, if you were. It was an
19 environment -- and certainly when I reached Goldman Sachs and
20 became a partner -- there was a feeling of the ambition that I
21 had built. And I regret this deeply today, but when it came
22 to the 1MDB transactions, I saw an opportunity at that time to
23 become a hero at Goldman Sachs, which had been my dream pretty
24 much all my life as a banker. It was when I was at JP Morgan
25 or at Lehman Brothers and it's pretty much -- and I think

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1 other people would agree to me, being a partner at Goldman
2 Sachs is a dream come true. However, that wasn't enough for
3 me. I also wanted to be a hero at Goldman Sachs.

4 The transactions that we are talking about were
5 going to transfer my career at Goldman Sachs into something
6 different, and it did result for a while -- until it came
7 crashing down on me, of course -- that level of achievement at
8 the firm, which I was very proud of at the time.

9 In addition, I also became greedy with time. And it
10 was highlighted by Judy and other friends to me that, you
11 know, greed was going to take over, and that resulted in me
12 wanting more and being more, quite frankly, also, than I ever
13 was. You know, I wasn't deserving necessarily of all those
14 things.

15 When the scheme revealed that I was going to be paid
16 some extra money and later I learned that it was actually
17 substantial amounts of money, I jumped at the opportunity to
18 make that extra money and maybe be able to be something that I
19 wasn't really and to have a lifestyle that I wasn't accustomed
20 to over the years.

21 So, the short answer to your question was really
22 that my greed and ambition took over at the time, but now I'm
23 looking at a life that has been destroyed as a result of that.
24 That's what I have to say.

25 I'm not proud of it. My kids will not be proud of

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1 it. But now is the time to do the right thing and admit and
2 take responsibility for what I have done. And that's what I'm
3 here for. You know, it's to take that responsibility. I did
4 wrong and there's no going back on that.

5 Q So after you were arrested in June of 2018, what did you
6 decide to do?

7 A I decided that I would cooperate and work with the
8 Government. I had actually returned to the United States from
9 my extensive travel abroad to meet with my lawyers at the time
10 in the Washington, D.C. airport to discuss how I could
11 cooperate with the authorities in America.

12 You have to understand that at that time there were
13 reports everywhere around the world that the authorities were
14 looking at these 1MDB transactions.

15 My family at that time was in America. I had
16 remarried. I was -- I had a child here. And I felt that with
17 all that pressure around the world, it was time to turn over a
18 new chapter in my life and work with the Government.

19 You know, events took over real quick. I was
20 arrested. And the lawyer who had come to the airport for
21 debriefing of how I would cooperate was there to help me work
22 on this cooperation now in realtime, so I decided to cooperate
23 with the authorities and provide details and facts of the
24 scheme and the transactions that we had taken with 1MDB.

25 Q How soon after you were arrested in June 2018 did you

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1 plead guilty?

2 A I pled guilty on August 28, 2018.

3 Q When you pled guilty, did you do that in this courthouse?

4 A Yes, I did.

5 Q Did you have an agreement with the Government at the time
6 that you pled guilty?

7 A Yes. We entered into an cooperation agreement between
8 the Government and myself.

9 Q If you could turn to tab 17 in the binder next to you.

10 MR. ROLLE: And it's Government Exhibit 3001 for
11 identification, Judge.

12 Q Sir, do you recognize this document?

13 A Yes, sir.

14 Q What is this document?

15 A It's my cooperation agreement with the Government.

16 Q Turn to the last page of Government Exhibit 3001. Your
17 signature is on that page?

18 A Yes, sir.

19 Q Do you recognize any of them?

20 A My signature above Tim Leissner.

21 Q Is this document dated?

22 A Yes. It's August 28.

23 Q Is this your cooperation agreement?

24 A Yes, it is.

25 MR. ROLLE: Your Honor, we would offer Government

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1 Exhibit 3001.

2 MR. AGNIFILO: No objection, Your Honor.

3 THE COURT: It is admitted.

4 (Government's Exhibit 3001 received in evidence.)

5 Q Just look at the first page, obviously it's your name on
6 the top left; correct?

7 A Yes. Yes, sir.

8 Q Going to the last page, page 13 that you were just
9 looking at, that's your signature on the line, it says "Tim
10 Leissner" underneath?

11 A Yes, it is.

12 (Continued on next page.)

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1 DIRECT EXAMINATION

2 BY MR. ROLLE: (Continuing.)

3 Q As part of your guilty plea, and under this cooperation
4 agreement, were you required to forfeit anything?

5 A Yes. I was required to forfeit \$43.7 million.

6 Q Have you agreed to forfeit anything else in connection
7 with this agreement and your guilty plea?

8 A Yes, sir.

9 Q What have you agreed to forfeit?

10 A I agreed to forfeit my interest in a number of Celsius
11 shares that I had acquired through 2015 and 2017.

12 Q Celsius shares, is that stock?

13 A That's stock, yes.

14 Q On the stock market?

15 A NASDAQ Stock Exchange, yes, sir.

16 Q How much have you agreed to forfeit of those shares?

17 A I've agreed to forfeit my interest in those shares, the
18 value of which I think right now is about \$200 million, plus
19 or minus.

20 Q I'm sorry, how much?

21 A 200 million.

22 Q Were those shares that you purchased with proceeds of
23 your criminal scheme?

24 A Yes, sir.

25 Q Now, under this agreement -- this cooperation

1 agreement -- what's your understanding of what you are
2 required to do under the terms of this agreement?

3 A My understanding is that I have to work with the
4 Government; tell the truth; lay out the facts as they were, to
5 my best memory; to attend meetings, as required by the
6 Government; to work on discovery around the scheme and the
7 transactions, and everything before and after as it relates to
8 my criminal activities. It requires me to appear in court
9 proceedings, as required; it requires me to keep my
10 involvement confidential and do anything else I was required
11 to; uncover all the facts of this scheme and all the people
12 involved in the scheme.

13 Q You mentioned that this agreement requires you to
14 testify.

15 A That's correct, sir.

16 Q Does it require you to testify against any particular
17 person or in any particular case?

18 A No, sir.

19 Q What's understanding of who decides where and when you
20 testify?

21 A The Government.

22 Q Did you choose to be here today?

23 A No, I did not particularly choose to be here. No.

24 Q If you uphold your obligations under this agreement, what
25 do you understand the Government's obligations to be?

1 A The Government has agreed to provide me a 5K letter under
2 the sentencing guidelines at the time of my sentencing.

3 Q So, sorry, you mentioned something called the sentencing
4 guidelines?

5 A Yes, sir.

6 Q What are they?

7 A Those are the guidelines for sentencing in criminal
8 activities that are set out in your laws.

9 Q Now, you mentioned this 5K letter.

10 A Mm-hmm.

11 Q What is your understanding about what that letter is?

12 A It's a letter from the Government to the judge at the
13 time of my sentencing that would outline all my criminal
14 activities, whether related to the scheme or otherwise; it
15 would outline my cooperation with the Government; it would
16 provide thereby a set of facts that may allow the judge to
17 sentence me -- sentence me below the guidelines, as provided
18 by the guideline -- by the sentencing guidelines.

19 Q As you sit here today, do you have an understanding of
20 what your sentencing guidelines are for the crimes you pled
21 guilty to?

22 A It is my understanding that it was life imprisonment
23 under the guidelines.

24 Q For the crimes you pled guilty to, what's the maximum --
25 total maximum sentence that you could face?

1 A It was 20 years and 5 years consecutively, so 25 years in
2 totality.

3 Q Who decides what your sentence will be?

4 A The judge presiding the sentencing.

5 Q As part of the cooperation agreement, does the Government
6 recommend any particular sentence for you?

7 A No.

8 Q I just want to look at page 9 of Government's
9 Exhibit 3001 and the ends of paragraph 14.

10 Could you read the last two sentences of that
11 paragraph, sir?

12 A "The" -- sorry. "The offices will not recommend to the
13 Court a specific sentence to be imposed. Further, the offices
14 cannot and do not make a promise or representation as to what
15 sentence will be imposed by the Court."

16 Q It says "the offices." Who is that?

17 A That's the Government.

18 Q As you sit here today, do you know what sentence you are
19 going to get in your criminal case?

20 A No, sir.

21 Q Has anyone made any promises to you about what your
22 sentence will be at the end of the day?

23 A Absolutely not.

24 Q Now, is the maximum 25-year sentence still the maximum
25 sentence for you even when -- if the Government writes a 5K

1 letter for you?

2 A Yes, sir.

3 Q Sitting here today, do you know if you are going to get a
4 5K letter?

5 A No, I don't, sir.

6 Q What's your hope in that regard?

7 A I do hope I will get it.

8 Q Is the judge required to give you a lower sentence if the
9 Government does write that letter?

10 A No, sir. The judge can decide on her -- his or her own
11 judgment what the sentencing would be.

12 Q As you sit here today, what sentence are you hoping to
13 get from the judge?

14 A I hope that I don't have to go to prison, sir.

15 Q As you sit here today, do you know if you are going to go
16 to prison?

17 A No, absolutely not.

18 Q What's your understanding of what happens if you lie?

19 A This agreement will become null and void.

20 Q Sorry?

21 A This agreement will become null and void.

22 Q If that happens and the agreement is null and void
23 because you lied, do you get to take back your guilty plea?

24 A No, sir.

25 Q You would still be bound by the guilty pleas?

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1 A Yes, sir.

2 Q For the crimes you pled guilty to, the FCPA crimes, the
3 money laundering crimes?

4 A Yes, sir.

5 Q Would you still be sentenced for those crimes if the
6 agreement was ripped up?

7 A Yes, sir.

8 Q Would your maximum sentence still be 25 years in prison?

9 A Yes.

10 Q Would you get a letter -- the 5K letter -- if you lied?

11 A No, absolutely not.

12 MR. ROLLE: We can take that down, Mr. Youkilis.

13 BY MR. ROLLE:

14 Q We will come back to the crimes that you committed and
15 that you pled guilty to, but I think, first, I would like to
16 understand a bit more about your background.

17 In total, how many years did you work in finance?

18 A It was a total of almost 23 years.

19 Q And I think you mentioned you worked predominately in
20 Asia?

21 A For 18 years of that, yes, in Asia.

22 Q What other countries did you work in?

23 A I worked in Germany, in London. And from London, I
24 worked in, again, different jurisdictions as well.

25 Q What brought you to work in Asia in the first place?

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1 A I was based in London working for JPMorgan, and when --
2 JPMorgan wanted me to move to Frankfurt as a banker. At the
3 time, a very good friend of mine was transferring from
4 JPMorgan to Lehman Brothers in Hong Kong. He was based in
5 Hong Kong, and he went from JPMorgan to Lehman Brothers and
6 said that they were looking for bankers at Lehman Brothers,
7 and if I wanted to interview. This is in early 1997 -- late
8 '96, early '97, and I said sure, I will do that. I went to
9 interview, and I got a job offer from Lehman Brothers in Hong
10 Kong, which I accepted because I wanted to be an international
11 banker. Rather than going back to Germany, I wanted to spend
12 some time overseas and abroad, and Asia was a very exciting
13 place at that time.

14 Q Now, you testified earlier that at the time of the 1MDB
15 bond transactions, you had already been a partner for a number
16 of years; correct?

17 A That's correct.

18 Q What was the highest position -- understanding you were a
19 partner -- the highest title or position you held at Goldman
20 Sachs?

21 A Well, being a partner is kind of the highest position;
22 however, the highest position I reached in terms of functional
23 titles was being a chairman of Southeast Asia and being on the
24 partnership committee at Goldman Sachs.

25 Q When were you elevated to the chairman of Southeast Asia?

1 A It was post the 1MDB transactions. I think I elevated in
2 2014 to that position.

3 Q This was after you successfully had completed the bond
4 transactions you talked about today?

5 A That's correct, sir.

6 Q At the time of those transactions, did you hold any
7 position like that, chairman of anything?

8 A I was -- I believe I was still the co-president for
9 Goldman Sachs Singapore, which really was the co-president for
10 Goldman Sachs Southeast Asia.

11 Q What did it mean to be co-president?

12 A It meant that -- the various divisions that -- I was
13 coordinating and managing the various decisions out of the
14 Singapore office.

15 Q Obviously, you've already said today Goldman Sachs paid
16 you for your work.

17 A Yes, they did.

18 Q Over the course of your career, how much were you paid at
19 Goldman Sachs?

20 A I would estimate that was probably somewhere in the order
21 of 50- to \$60 million over all those years.

22 Q And what form did that compensation come? Was it all
23 cash? How did you get paid \$60 million?

24 A Our pay structure was that we received a cash salary that
25 was paid out on a monthly basis. Then there was a bonus at

1 the year-end that I would be paid in cash, as well as shares
2 in Goldman Sachs. Those shares were restricted and,
3 therefore, they had to vest and get unrestricted over time.

4 Q What do you mean shares in Goldman Sachs?

5 A Stock in Goldman Sachs. So, you know, common shares
6 which are tradable on the exchange; one can buy and sell them.
7 It's what you would see on the stock market listed under the
8 ticket GS.

9 Q Goldman Sachs is a publicly-traded company?

10 A It is.

11 Q Now, that compensation structure with the monthly salary
12 and then a bonus and shares, was that only true of partners
13 that that was the way you were paid?

14 A No. This was true for everyone at Goldman Sachs. When
15 you reach a certain level -- and it pretty much starts when
16 you're an analyst and above, meaning when you start at Goldman
17 Sachs -- a part of your bonus is intended to be in shares to
18 motivate everyone to increase the share price for our
19 shareholders, because part of our compensation was linked to
20 that success of our share price.

21 Q Did anything happen to your Goldman Sachs compensation as
22 a result of your guilty plea?

23 A Yes. The shares -- the remaining shares that were held
24 by Goldman Sachs -- which, in my belief, I was owed -- were
25 frozen and retained by Goldman Sachs as well as the dividends

1 that had -- were accruing, or have accrued, and that were
2 accruing as well. Those shares are still frozen, and those
3 dividends are still frozen, and that's subject to an
4 arbitration between me and Goldman Sachs.

5 Q Now, I want to understand -- and you talked a lot about
6 the work Goldman Sachs did on the 1MDB transactions, but could
7 you just explain, kind of, generally, how the services you
8 offered at Goldman Sachs differed from a regular bank someone
9 may have on the street?

10 A Yeah. Goldman Sachs, at the time I was there, was really
11 what I would say a wholesale bank rather than a retail bank.
12 A wholesale bank transacts really in bigger amounts and with
13 bigger clients. We, at that time, didn't have branches that
14 any one of us here could go to and have an ATM machine or get
15 checks from, et cetera. Goldman Sachs was not in the retail
16 business at that time. I think it's changed since then, but
17 when I was there, it hadn't done that.

18 So our clients were really the big corporates, the
19 big institutional investors, the wealthy clients, so it was
20 really for large sums of money.

21 Q You testified earlier that there was an account the
22 defendant proposed Jho Low to have at Goldman Sachs.

23 A Yes.

24 Q Where did that fit into Goldman Sachs's services as a
25 bank?

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1 A It's -- it fell between a -- into a group called the
2 Private Wealth Management Group that was within the IMD
3 Division -- the Investment Management Division, which had two
4 parts -- the private wealth management part and the
5 institutional asset management part where we would represent
6 endowments, pension funds, and the like, insurance companies.

7 On the private wealth management side, we would take
8 on clients that had this certain net worth -- and I forget
9 whether it was \$10 million of assets or investable assets -- I
10 can't quite be sure anymore -- but it was that kind of level
11 that you had to be able to reach to be able to be a Goldman
12 Sachs client.

13 Q In your role in investment banking, what were you helping
14 your clients do at the bank?

15 A On the investment banking side, our job was to -- to be
16 agents and -- and capital providers for large corporate --
17 corporates. I had mentioned those before. In the U.S., AT&T,
18 Apple, Amazon. I mean, any big corporate was and is Goldman
19 Sachs's client.

20 In addition, we had the sovereign wealth funds
21 around the world -- 1MDB was one of them, of course -- one of
22 them in Abu Dhabi; CIC of China. In Singapore, Khazanah,
23 GIC -- Temasek and GIC, so there were many sub wealth funds
24 that we would cover.

25 We would cover governments when they were relevant

1 to our business. For example, issuing bonds to finance their
2 deficits, for example. So we had a broad spectrum of clients
3 in investment banking to do two things: One was capital
4 raising, whether it was debt or equity; or advise them on
5 large merges- and acquisitions-type of transactions.

6 Q Where did the 1MDB bond transactions fall within this
7 scope of your work in IBD?

8 A It been all the -- all of the above. And I say that
9 because the acquisition off the power generation assets was
10 part of our assignment at Goldman. It was the reason that we
11 first started thinking about how 1MDB was going to raise the
12 money to pay for those acquisitions. It was part of the
13 capital markets group because the debt funding was part of
14 debt fund-raising bonds that we would raise under the debt
15 capital markets group; and later, post those transactions, we
16 were also involved in the potential initial public offering --
17 the IPO -- of 1MDB's energy assets. So our work with -- our
18 Goldman Sachs work with 1MDB really spent every single product
19 that investment banking had to offer.

20 THE COURT: Mr. Rolle, we are going to take a short
21 break.

22 Members of jury, please remember not to discuss the
23 case with anyone. We are going to take our afternoon break at
24 this time.

25 THE COURTROOM DEPUTY: All rise.

1 (Jury exits.)

2 THE COURT: Mr. Leissner, can you step outside?

3 THE WITNESS: Yes.

4 THE COURT: Please be seated, everyone.

5 (Witness exits the courtroom.)

6 THE COURT: Please make sure the door is closed.

7 Close the door, Winnie.

8 Thanks.

9 So I wanted to follow up with regard to the juror
10 who has an appointment for tomorrow at 10:00. How do the
11 parties want to proceed?

12 MR. AGNIFILO: So, I spoke with the Government about
13 it, and it seems like the wild card issue is if the juror knew
14 for a fact that the juror could be here at 1:00 and that
15 really was sort of set, then I think there's some inclination
16 to try to work in the afternoon if the other jurors can do
17 that. If the juror is aspiring to be here by 1:00 but can't
18 really say for sure that he can be here at 1:00, then I think
19 we are leaning more in the direction of not sitting tomorrow
20 at all, if that was what the Court was leaning toward.

21 THE COURT: I think he's aspiring; right?

22 Pierre spoke with him yesterday, and he indicated
23 that it's a procedure. He thinks it will be done in about two
24 hours and that he can get here by one o'clock, so it's unclear
25 what time he will --

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1 MR. AGNIFILO: Also, if it's a procedure, if there's
2 any discomfort, we can sit the day off, I think.

3 THE COURT: He should be with his wife rather than
4 with us.

5 MR. AGNIFILO: Yes, that's right.

6 THE COURT: Okay. So I will tell the jurors that we
7 won't sit tomorrow, but that we will sit the next day and
8 we'll start at 9:30.

9 MR. AGNIFILO: Very good.

10 THE COURT: Now, do the parties have any interest in
11 changing the time periods? I noticed we don't really need an
12 afternoon break, although I have been offering it, because we
13 are taking a later lunch break at 1:00. I could give them an
14 extra 15 minutes for lunch and then not break in the
15 afternoon, just go directly to 3:30.

16 MR. AGNIFILO: That sounds like a good idea for us.
17 That makes sense, Judge.

18 THE COURT: And I think the jurors would prefer
19 that.

20 MS. SMITH: That's fine with the Government as well.

21 I just wanted to clarify, we hadn't been planning on
22 sitting on Friday, so I think if we didn't sit tomorrow, then
23 the next day we would sit would be next Tuesday --

24 THE COURT: Oh, right.

25 MS. SMITH: -- because of the holiday. I know it's

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1 Thursday already.

2 THE COURT: Thanks for reminding me. I wasn't
3 thinking about the fact that the next day will be Friday.

4 MS. SMITH: Yes.

5 THE COURT: Okay. So that would mean Tuesday, and
6 Tuesday I cannot start until 9:45 since I'm sitting on a panel
7 from 8:30 to 9:30, so I will tell them that they'll come back,
8 they'll have a long weekend, and to be back here Tuesday
9 morning at 9:45.

10 MR. AGNIFILO: That's fine, Judge.

11 THE COURT: Okay. That was the only reason for this
12 break. I really just wanted to discuss with the parties how
13 best to proceed.

14 MS. SMITH: And then, Your Honor, if we can just
15 remind them that next Friday we will sit because of the
16 holiday.

17 THE COURT: Because of the holiday on Monday, yes,
18 so it will be four days next week, but Tuesday through Friday.

19 Thank you. So I will see the parties back in a few
20 minutes.

21 MS. SMITH: Thank you, Your Honor.

22 MR. AGNIFILO: Thank you, Your Honor.

23 (A recess in the proceedings was taken.)

24 THE COURT: Can you bring the witness back in?

25 (Witness resumes the stand.)

1 (Jury enters.)

2 THE COURT: Please be seated.

3 Mr. Rolle, please --

4 MR. ROLLE: Thank you, Your Honor.

5 THE COURT: -- proceed.

6 BY MR. ROLLE:

7 Q Mr. Leissner, you were talking about your time, and
8 generally, more specifically, your work within the Investment
9 Banking Division at Goldman Sachs.

10 A Yes, sir.

11 Q You talked earlier today about what it meant to be a
12 coverage banker within the Investment Banking Division.

13 A Yeah.

14 Q And I could summarize that some of that was covering
15 clients in a variety of countries and finding transactions for
16 those clients to undertake?

17 A Yes, that would be accurate.

18 Q That would generate revenue for Goldman Sachs?

19 A Yes.

20 Q In what ways did it generate money for Goldman Sachs
21 getting clients to do transactions?

22 A As an investment bank, we would charge fees on the
23 business that we undertake. In general, those fees are
24 determined by the size of the transaction and what can be
25 negotiated. On merges and acquisitions, it's normally a

1 percentage of the total deal value. In a capital raising, it
2 would be a percentage of the capital being raised. In terms
3 of fees, sometimes, as for example was the case in the 1MDB
4 transactions, we could also make money on top of that by
5 underwriting at a certain level, meaning you are buying the
6 bonds at a level and selling them on to investors at a
7 different level -- at a higher level -- thereby we would make
8 that, what we would call, a spread between buying and selling
9 as well.

10 Q Now, did Goldman Sachs have competitors in Southeast
11 Asia?

12 A We certainly did have many competitors, yes.

13 Q Who were they?

14 A It depended a little bit on each country. We had Credit
15 Suisse, which was a very significant player and competitor to
16 us; JPMorgan; Morgan Stanley; UBS. So we had quite a few
17 competitors. In a market like Malaysia, we also had local
18 competitors, which, you know, the biggest one for us there was
19 CIMB, which was the largest bank in Malaysia, so we had
20 international, but also sometimes local competition.

21 Q As an investment banker, did Goldman Sachs -- how did it
22 review how you were performing -- how good of a job you were
23 doing at Goldman?

24 A They were several ways of doing that. Obviously, for us
25 on the revenue-producing side that I had described before,

1 revenues that we had generated from our clients, or the set of
2 clients that we had, was one measure. That measure was
3 captured in reports that we would keep per banker. We had
4 banker sheets, basically, that showed my name at the top and
5 then all the activity undertaken with the clients in my
6 portfolio.

7 And the other way, we had yearly performance reviews
8 where we would be measured by having a 360 review by all of
9 our co-workers, effectively; so I would say those were the two
10 main yardsticks for our performance for a revenue-producing
11 banker.

12 Q Was your engagement with clients reviewed in real-time at
13 all at Goldman Sachs?

14 A It was at times. When we won business, there was usually
15 somewhat an office celebration; and so, therefore, a review,
16 yes, internally, you would get emails saying, congratulations,
17 you've done a good job, we're happy that you got it.

18 Similarly, if we didn't and there was, what we would
19 call, a trade printed, meaning somebody else, another
20 competitor, was doing a transaction with one of our clients,
21 that would also be captured and reviewed in real-time, and
22 then you would get an email saying, why weren't you a part of
23 that transaction? What are the reasons for not being part of
24 that transaction? And you would have had to -- you, as the
25 banker -- let's say myself or Roger, who had clients -- had to

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1 answer then to our bosses to say why we weren't part of that.

2 (Continued on the following page.)

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Denise Parisi, RPR, CRF
Official Court Reporter

1 DIRECT EXAMINATION (Continued)

2 BY MR. ROLLE:

3 Q Who would ask you why you missed a transaction?

4 Who would be asking these questions to the banker?

5 A The first question would normally come from our
6 comptrollers, meaning the financial people that kept track of
7 our revenues, but also our missed business. It was more a
8 back-office function with investment banking. That e-mail
9 that they would originally send out to the bankers, you know,
10 whose clients was doing business away from us would also go to
11 senior management. Meaning, the heads of investment banking
12 in Asia, the head of the Asian office, and sometimes also the
13 heads of global banking, if it was a significant transaction.
14 So senior management would be copied on these e-mails that
15 would allow them to have follow-up questions depending on the
16 answer.

17 Q Was it a good thing to miss transactions?

18 A Absolutely not. In our culture at Goldman Sachs, you
19 have to understand, we were expected to get every transaction
20 there was of size. The transactions we cared about, there was
21 really an expectation that with our brand at Goldman Sachs, we
22 should be able to get any kind of transaction. It was
23 engrained in us that it was unacceptable to lose business.

24 MR. ROLLE: If we could pull up Government
25 Exhibit 1976 for identification.

1 And Mr. Leissner, and if you could turn to tab 18 if
2 you'd like to look at a hard copy.

3 One moment, Your Honor.

4 A Yes, sir.

5 Q What is this document?

6 A It's an e-mail to myself and others in our Southeast
7 Asian business dated May 27, 2009.

8 Q Did you receive this e-mail?

9 A Yes, sir.

10 Q Do you see your name on it?

11 A Yes. Yes, sir.

12 MR. ROLLE: Your Honor, we'd offer Government's
13 Exhibit 1976.

14 MR. AGNIFILO: No objection, your Honor.

15 THE COURT: Admitted.

16 (Government Exhibit 1976 was received in evidence.)

17 MR. ROLLE: And we'd ask to publish it. Thank you.

18 If we could scroll to the bottom e-mail,

19 Mr. Youkilis.

20 Just looking at the recipients of this e-mail at
21 first who's the sender?

22 A Wendy Lim was the sender. She was one of those
23 controllers I had mentioned earlier that would basically
24 account and look after our revenues, but also, our missed
25 business.

1 Q Who was this e-mail sent to?

2 A Chong Lee Tan, Roger Ng, Michael Smith, myself, and Udhay
3 Furtado.

4 Q What group of Goldman Sachs were you and the defendant in
5 at that point?

6 A We were in the investment banking division. Roger was
7 covering Malaysia, and I was the Southeast Asian investment
8 banking, as well as the co-president for Southeast Asia, as
9 well.

10 Q Who were the people on the CC'd line?

11 A On the CC line we have, Dan Dees, Mark Machin, Ravi
12 Singha, Pooja Grover, Yuwen Huang, and, Jason Tsang.

13 Q Who were those people?

14 A All of those were in the management of our investment
15 banking business at the time. Dan Dees, Mark Machin, and Ravi
16 Singha were senior partners with investment banking. Pooja,
17 Yuwen, and Jason were on the controlling side. Meaning, on
18 the -- you know, they weren't very senior, but they were on
19 the management side of the business.

20 Q What is -- what's Wendy Lim's e-mail to you and the team,
21 including the defendant?

22 A It is one of those lost business reports where it
23 involves one of our clients, in this case Genting. We had
24 been trying to get business from Genting for many years. It
25 was the biggest -- one of the -- the biggest gaming company in

1 Malaysia and Singapore, and here, a family member or entity
2 owned by a family member of the Limb family --

3 (Court reporter interrupts for clarification.)

4 A So in this case, an entity owned by a family member of
5 the Lim family was selling a 9 percent stake in Genting
6 Singapore for \$425 million.

7 Q What does Wendy Lim direct the recipients of this e-mail
8 to do?

9 A She's asking us the teams that on the two lists to
10 explain the reasons why we weren't part of that transaction.
11 This was what I called the loss business report. We have to
12 justify why we're not part of a piece of business that we
13 would otherwise want to be part of. In Genting we had
14 identified as a potential client that we would like to work
15 with, but obviously, we weren't in this case.

16 Q She's asking for reasons why you missed the transaction.
17 Where would this information go once you responded
18 to it as a deal team member or investment banker?

19 A It does say that it goes to basically all the important
20 bosses of us which David Solomon was the head of investment
21 banking at the time, globally -- he today is the chairman CEO
22 of Goldman Sachs -- the IBD operating committee, and the Asia
23 management committee. These were the two senior management
24 committees, effectively, that were governing my and Roger's
25 business at that time.

1 Q So what -- when you would receive these kinds of e-mails,
2 what was your reaction to that?

3 What did it mean for you?

4 A I mean, it's essentially bad news. We had missed a piece
5 of business that the firm had otherwise wanted to do, and we
6 were not part of that business, and we had to explain
7 ourselves, effectively. Clearly, that wasn't something we
8 wanted to do. Goldman Sachs expected us to be on every
9 transaction for the clients that we had identified, including
10 in this case, Genting. So therefore, it was a reason for
11 embarrassment, almost, that we weren't apart of this.

12 Q How common or frequently were these types of follow ups
13 about business you missed out on?

14 A Very frequent. I wish I could tell you that we were
15 100 percent successful with our mission which was to win every
16 piece of business, but that's, of course, not realistic. So
17 these kind of e-mails were rather common, but something that
18 we were dreading as bankers. We wanted to, in our own
19 ambition, but also for the firm's ambition, be on every
20 transaction that we set out for our clients.

21 Meaning, when we decided on the clients that we
22 wanted to cover and get mandates from, we selected them with a
23 view that we would be able to get business from them. Clients
24 where we had no hope of getting business from, we wouldn't put
25 on that list. And therefore, if there was business done with

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1 those clients, you know for whatever, reputational reason or
2 otherwise we had decided that we didn't want to do business
3 with them, that was fine. That was acceptable. Losing
4 business or not being part of a business with clients that we
5 had identified as something that was going to be -- we were
6 going to cover, that was unacceptable.

7 Q There's a reference in this, this is about an entity
8 called Genting?

9 A Correct.

10 Q And this entity Genting have any relation later to the
11 1MDB bond transactions?

12 A Yes. In deal number two --

13 Q Which one was that?

14 A That was Project Maximus.

15 We did that fundraising to help 1MDB acquire the
16 Genting power assets in Malaysia. I believe those were three
17 electricity-producing power stations, effectively, that
18 Genting owned and they sold to 1MDB.

19 Q Were there any improper payments made in the course of
20 that transaction, Project Maximus?

21 A Yes, sir.

22 Q Were there any involving Genting itself?

23 A Yes. One of the family members of the Genting family --
24 sorry, of the Lim family which is, as you see here, the
25 controlling family of Genting, received a kickback.

*Avery Armstrong, RPR
Official Court Reporter*

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1 Q How do you know that?

2 A I made that payment, sir.

3 Q Why?

4 A Because it was directed by Jho Low to entice that family
5 member to help push that transaction to sale of those power
6 assets to 1MDB.

7 Q How did you make the payment?

8 A The payment was made through World Merit if the memory
9 serves correct.

10 Q That was one of the shell companies you controlled?

11 A That's right.

12 MR. ROLLE: You can take that down, Mr. Youkilis.

13 Q I think you said this earlier, sir, but when did you
14 first meet the defendant?

15 A 2005, 2006, somewhere around that time when he first
16 joined Goldman Sachs.

17 Q You met him when he joined Goldman Sachs?

18 A Yes.

19 Q Did you know him prior to him joining Goldman Sachs?

20 A Sorry, sir.

21 No. I did not.

22 Q Did you have an understanding of how he came to Goldman
23 Sachs?

24 A Yes. My memory is that Richard Ong, who was at the head
25 of investment banking --

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1 Q Can you spell his name, please.

2 A Richard and then Ong, O-N-G.

3 Richard was, at that time, our senior partner in
4 Southeast Asia and the head of that business. He was actually
5 my predecessor as president for that office. He had -- if
6 memory serves me right, he hired Roger into Goldman Sachs into
7 debt capital markets.

8 Q How many bankers were working in investment banking in
9 that office at the time; hundreds of bankers?

10 A Well, I have to clarify. I believe Roger joined us in
11 the Hong Kong office in debt capital markets. So there was --
12 in the capital markets group, you know, there were probably 10
13 or 20 at that time. But in all of investment banking, yeah,
14 probably 200 or more. In Asia.

15 Again, Southeast Asia was a different story. It was
16 much much smaller. It was maybe 25 to 30 bankers.

17 Q Within Southeast Asia it was smaller?

18 A Yes. Those were 25 to 30 bankers maximum at any time.

19 Q Now, at the time the defendant joined Goldman Sachs, how
20 was Goldman Sachs' investment banking business in Southeast
21 Asia relative to its peers?

22 A We had come through a difficult restructuring of our
23 Southeast Asian business. When I moved to Singapore at the
24 end of 2003, I believe, we had -- we were basically at almost
25 no business in Southeast Asia. We had 35, 40 bankers. So we

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1 were seriously overstaffed. And the firm, Goldman Sachs,
2 decided to send Richard Ong and myself to run the Southeast
3 Asian business. So I moved to Singapore and I think Richard
4 was in Hong Hong maybe too. We both moved to Singapore and
5 established our base there. And we had just turned the
6 business around. We had effectively cut the work force to a
7 more manageable size. I think we went from maybe 35 bankers
8 to maybe 15, a very small number, and we started to have
9 business in Malaysia prior to Roger's arrival. Malaysia was
10 one of the better markets for us. We were also doing okay in
11 Indonesia and the Philippines, but Malaysia started to be a
12 major market --

13 (Court reporter interrupts for clarification.)

14 A We had done - in Malaysia in particular, we had done more
15 transactions, we had done IPOs which are initial public
16 offerings, we had done some mergers, for example, the merger
17 of Telecom Malaysia and Celcom. And so we were actually doing
18 quite well, starting to do quite well in that market. And
19 Roger joined us and participated in that -- you know, in the
20 effort in Malaysia straight-away. And with his help and the
21 work that Richard and I were doing there, we really started to
22 take off even more.

23 Q And you said Richard Ong recruited the defendant to
24 Goldman Sachs?

25 A That's how I remember it, yes.

*Avery Armstrong, RPR
Official Court Reporter*

1 Q What was the defendant's position when he joined Goldman
2 Sachs?

3 A He was a vice president or an executive director. That
4 title was synonymous.

5 Q And how soon after he joined, did you start working with
6 him?

7 A Immediately.

8 Q What was the first time you had worked on a transaction
9 or engagement with the defendant?

10 A I recall it was in 2005 or 2006, again, the sale of
11 Southern Bank. Southern Bank was a smaller Chinese owned bank
12 in Malaysia that was being sold to CIB, then, the second
13 largest bank in Malaysia, and we advised Southern Bank.

14 Q After the early transaction you worked on with the
15 defendant, did his position change within Goldman Sachs after
16 that?

17 A Yeah, because the debt capital market business was
18 somewhat more quiet and it was clear that Roger's talents
19 really lay in the relationships he had in Malaysia. He had
20 very strong relationships, he was really active there, his
21 home-base was in Malaysia, that it made more sense for the
22 firm, for Goldman Sachs, to have Roger focused on the
23 Malaysian business. And he took over our investment banking
24 business for Malaysia at that time which really encompassed
25 the capital market products and the M and A products as well.

1 Q And was there a title that went along with those
2 responsibilities?

3 A Yes. It was the head of investment banking for Malaysia.
4 I don't know the year that projector got that title, but that
5 was really the next step for me.

6 Q During that time, did you -- did the defendant report to
7 you directly?

8 A Yes. Initially, he was reporting to the head of debt
9 capital markets. When he came into the coverage universe as
10 head of investment banking for Malaysia, he reported to me.

11 Q For how long was that the case?

12 A I believe it was until he joined the securities division
13 which was, I think, somewhere in 2011, perhaps. Certainly,
14 before in the 1MDB transactions.

15 Q And you described that division earlier as people engaged
16 in sales of products?

17 A The trade and the sales of products, yes. The investment
18 banking side was really on the origination side for us to get
19 the securities from the companies and the corporates that then
20 the security's decision was involved with selling to
21 institutional investors or trading. So really very distinct
22 businesses.

23 Q Did you have an understanding about why the defendant
24 moved from investment banking to the securities division?

25 A I think it was a mutual decision, if I recall this

1 correctly. I think Roger felt somewhat dissatisfied with the
2 compensation he was receiving in investment banking and
3 thought that, perhaps, in the securities division there was an
4 ability to make more money.

5 At the same time, I think that the firm recognized
6 that he actually had very good relationships with
7 institutional investors, and therefore, could leverage off
8 those relationships as well. So I think it was a mutual
9 decision for him to move over.

10 It was sad for me because, you know, we had been
11 working so closely together at that time and losing a close
12 companion in Malaysia into the securities division wasn't the
13 easiest thing, but I was supportive of him at all times with,
14 you know, what he wanted to do.

15 Q How did you have the understanding around his
16 expectations around compensation and potential in the
17 securities division?

18 A We -- again, I mean, we were super close colleagues, we
19 were super close friends during those years and we would talk
20 all the time about our views on compensation within Goldman
21 Sachs whether that directly our compensation in a given year,
22 whether it was too little -- I mean, it was never too much --
23 but it was too little or it was adequate or whatever. So we
24 had these conversations all the time.

25 We also felt, he and I, that if you were on the

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1 trading side, if you were in the securities division, you
2 would actually make more, because at that time, the particular
3 traders, yeah, if you were a good trader, you would make, you
4 know, a lot more money than even I did when we did the
5 successful bond deals. As a trader, you had a direct PNL,
6 meaning, you could see on your screen how much money you were
7 making every day. So we always had the perception on the
8 investment banking that you could make a lot of more money if
9 you were in the securities division.

10 Q Were those common discussions among Goldman Sachs bankers
11 about what other people were making?

12 A Totally. As you can imagine, in any organization, you
13 know, compensation is always -- is a big topic in how much
14 money you were making. So yes, those were common. What Roger
15 when I shared, of course, was a much closer relationship than
16 I had with many other people. They were really just a small
17 handful of people that I had a relationship with as close as
18 with Roger.

19 Q Did you stop working with him when he moved to securities
20 division?

21 A No. Even though he was now on the other side of the
22 proverbial Chinese wall which as I described earlier, really
23 sets out a distinction and a separation between who has public
24 information and who has -- who doesn't, who has private
25 information. We continued to work on many clients together,

1 in particular, in Malaysia.

2 Q So with that separation, public and private, what was
3 your working relationship like?

4 A At a practical level, not much changed. We discussed
5 business all the time, all potential business all the time.
6 From a practical perspectives within Goldman Sachs, however,
7 every time that Roger was involved in a investment banking
8 project, for example, 1MDB, but others, as well, he had to be
9 formally wall-crossed. The wall crossing basically means that
10 you have to apply and it has to be supported by investment
11 banking to go from the public side of information to the
12 private side of information. Meaning, you now are allowed for
13 this particular project, to receive material not public
14 information, MMPI.

15 Q Were there rules around that at Goldman Sachs?

16 A Yes.

17 Q Why were there rules?

18 A By the way, those rules exist for every investment bank.
19 The reason is that when you are on the private side, the
20 investment banking side, that material, not public
21 information, has a lot of value. You can trade -- if you
22 trade it on that information, you can potentially make
23 unlimited amounts of money because now you had insider
24 information. You would be very familiar with the term insider
25 information. And that's why there was a very clear separation

1 between the two divisions.

2 In fact, the investment banking division was behind
3 closed doors. You had to have special access to it. You
4 couldn't just walk in, because we had that private
5 information.

6 Q You said not much changed, though, in terms of how you
7 worked with the defendant even though he was in the securities
8 division?

9 A In practical terms we kept talking all the time, that's
10 correct, sir.

11 Q Now, were you aware the defendant had client
12 relationships in Malaysia throughout the time that he worked
13 at Goldman Sachs?

14 A Yes. He had excellent relationships in Malaysia, that's
15 correct.

16 Q Why do you say they were excellent?

17 A Because he -- I mean, I witnessed this. He really knew
18 the key decision-makers in many of our clients or potential
19 clients, and he was a very likeable banker who could open
20 doors very easily. And I witnessed this because Malaysia was
21 my -- personally, one of my number one markets as well. So I
22 was spending a lot of time there. And we worked on many
23 transactions together.

24 Roger really had a good success in that country and
25 very strong relationships at the highest levels of these

1 corporates and organizations.

2 Q Are you aware that the defendant had relationships with
3 government officials in Malaysia?

4 A He did. He did have relationships with government
5 officials. He had good relationships with them. I don't
6 think he had strong relationships with Najib Razak who we
7 talked about before, but he leveraged, for example, of
8 somebody like Jho Low in order to get closer to Najib and
9 that's not so unusual either in the Southeast Asian markets.
10 Sometimes bankers don't always know key the key people in
11 governments, but other people do, and you try to leverage off
12 of their relationships.

13 Q Now, you would go on to work with the defendant on the
14 1MDB bond transactions, correct?

15 A Yes.

16 Q Was that the only one 1MDB work you did together?

17 A No. We go back with respect to 1MDB, to the setup of the
18 predecessor to 1MDB, called TIA, the Tringganu Investment
19 Authority. We pitched that business together and we won that
20 business and executed it to the extent that the institution
21 was established with our advice and help.

22 Q When did that work happen, approximately?

23 A It was early 2009, sir.

24 Q And who assisted you and the defendant in that work
25 outside of Goldman Sachs?

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1 A Outside of Goldman Sachs, Jho Low was the key person who
2 helped us. In addition, to his team, but Jho really was the
3 key person. And from day one, when Roger introduced me to Jho
4 in Singapore, the TIA had come up as something that Jho was
5 working on advising the king. From that day onwards in early
6 January, we identified that as something that we wanted to do
7 at Goldman Sachs, and we being here, Roger, myself, but also
8 Goldman Sachs as an organization, sovereign wealth funds were
9 important to our business on a global basis. Those were some
10 of the most important clients we had around the world, and
11 being at the outset of the establishment was something that
12 was important to Goldman Sachs.

13 So from early 2009, Jho -- Roger approached Jho
14 first and brought -- Jho had brought us up to him, he brought
15 up in my meeting, but Roger and Jho, communicated a lot in
16 getting Jho's help to get that mandate.

17 Q Did Goldman Sachs actually help set up this TIA?

18 A Yes. We were selected by a committee that included Jho
19 Low and the King of Malaysia at the time to set up the TIA
20 that later became 1MDB.

21 Q Apart from the TIA setup, after that entity, TIA, becomes
22 1MDB, did you ever have success winning 1MDB for Goldman Sachs
23 until -- apart from the bond deals?

24 A No. We had numerous discussions with Jho, Roger and I,
25 we had numerous discussions, again, Roger and I, with 1MDB

*Avery Armstrong, RPR
Official Court Reporter*

1 officials about getting business from them including
2 financing, include potential investments, but we were never
3 successful in completing any of those transactions until the
4 bond financings and the underlying M and A for those
5 transactions.

6 Q Through your time working with 1MDB, or trying to work
7 with 1MDB, did you learn how that entity operated and
8 functioned?

9 A Yes. It became very apparent, quite frankly, at the very
10 outset.

11 Q Did you interact with the personnel who worked there
12 through the years?

13 A Yes. I didn't have the main relationship with 1MDB, nor
14 with Jho. Roger had that. But yes, I did learn how it
15 operated and how decisions were made at 1MDB.

16 Q You described it as a sovereign wealth fund?

17 A That's correct.

18 Q Please explain a little bit more about what that is.

19 A A sovereign wealth fund is basically an entity that
20 governments establish. It's more common in the Middle East
21 and Asia than in other parts of the world. But Government
22 establishes sovereign wealth funds to manage part of their
23 reserves to invest strategically both in the country and
24 outside of the country for the benefit of its citizens.

25 And that's an important piece because those

1 sovereign wealth fund are really acting almost like other
2 funds that we know here in America, for example, whether those
3 are private equity funds or otherwise, to get greater returns
4 than just having it sit in the bank, if you were, which of
5 course, the Government can do with its surplus funds as well.
6 But the idea was to leverage those funds, surplus funds that
7 the Government has, to make bigger returns and greater returns
8 for the benefit of the people.

9 Q Does the United States have a sovereign wealth fund?

10 A No.

11 Q How common are they outside of the United States?

12 A As I mentioned, it's really more common in Asia, as well
13 as the Middle East. There are some in Europe, as well. Like
14 Norway, I believe has the biggest sovereign wealth fund in the
15 world. But even in Europe, it's not as common as in Asia and
16 the Middle East.

17 Q How did sovereign wealth funds relate to your work in
18 Southeast Asia?

19 A Well, they were super and extremely important. One, they
20 held stakes in companies that were of strategic importance to
21 us on behalf of the government. So for example, in Malaysia,
22 a sovereign wealth fund apart from 1MDB was called Khazanah.
23 Khazanah held, you know, stakes in many different governing
24 entities with which we wanted to do business. Or we wanted to
25 work with the sovereign wealth funds to potentially manage

1 some of those investments, buying selling, et cetera.

2 The same applied in Singapore where two of the
3 biggest sovereign wealth funds in the world, Temasek and GIC.
4 Similarly, those were really important clients to us. We
5 wanted to be in the buying and selling of investments that
6 they were making and funding those as well. Very much part of
7 our business at Goldman Sachs of the highest importance.

8 (Continued on the following page.)
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1 BY MR. ROLLE: (Continued.)

2 Q So we've looked at a number of photographs of individuals
3 who were working at a part of 1MDB.

4 A Yes.

5 Q We talked about Najib Razak, the prime minister?

6 A Correct.

7 Q And as the prime minister he was also the minister of
8 finance; is that right?

9 A Yes.

10 Q He was a sole shareholder of 1MDB?

11 A That's correct.

12 Q Did 1MDB have a CEO who worked at the company?

13 A Yes. It had throughout the term that I worked with 1MDB
14 for it was Sharol Halmi from day one.

15 Q Did you ever meet Sharol Halmi?

16 A On numerous occasions.

17 Q How did you first meet Sharol Halmi?

18 A I believe that the first time that I met him was really
19 just in passing during the establishment of TIA and 1MDB. So
20 the memories relate to that, but then he was really introduced
21 to me and Roger in early 2012 when we had brought -- when
22 Roger had brought the potential acquisition of Tundra Power
23 assets to Jho. And Jho then introduces -- I think it was
24 reintroduces Sharol to Roger and myself to have a meeting to
25 kick start that process and that acquisition.

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1 Q You talked about Jasmine Loo at 1MDB.

2 A Yes.

3 Q She was -- what was her position?

4 A She was the general counsel for 1MDB.

5 Q And how did you first meet her?

6 A That is vague to me. The only thing that I consciously
7 remember is that when previously Roger and I had set up a
8 meeting with Jho in Geneva where he was in the hospital
9 undergoing some kind of medical treatment, we were going there
10 to discuss a completely separate transaction from 1MDB with
11 Jho and we brought another client of ours there as well. And
12 I remember distinctly that Jasmine was in the room, Jho's
13 hospital room, sitting on a couch. I didn't at that time
14 associate her with 1MDB. I didn't really know who she was.

15 And then she reappears again in early 2012 when we
16 have that lunch where I mentioned before Andrea Vella talked
17 to Jho Low about the structure of the potential fundraising
18 for 1MDB at that time.

19 Q We talked about Vincent Koh earlier.

20 A Right.

21 Q He was the chief investment officer; is that right?

22 A That's correct.

23 Q As the chief investment officer did he have power over
24 what investments 1MDB might make?

25 A Actually, his job was to identify and the transact on

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1 potential investments and acquisitions. It was his job to
2 investigate the Tundra Power assets acquisition, and with that
3 I mean analysis, et cetera.

4 Q And then Terence Geh was chief financial officer?

5 A He was deputy chief financial officer.

6 Q And then I think you explained he was in charge of the
7 money flows in relation to the entity?

8 A Yes, the fundraising and the money flows, that's correct.

9 Q All of these positions CEO, general counsel, CIO, deputy
10 CFO, were these all official 1MDB positions?

11 A Yes, sir. Those are all official positions of the
12 management at 1MDB.

13 Q Are they high-level positions at an entity?

14 A Yes. I would call those the C-suite, yes. They formed
15 the management committee of 1MDB.

16 Q Now, with being in the C-suite, would they have
17 decisionmaking authority in any other entity that may have a
18 CEO, CFO and general counsel?

19 A Certainly those are the positions that in any normal
20 company would call all the shots colloquially; meaning they
21 had all the decision power to -- at the management level to
22 transact. They may always need board of director approval
23 depending on the corporate governance of any institution, but
24 certainly on a day-to-day basis, yes, those would be the
25 people making all the decisions at an institution.

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1 Q That's a generalization, right?

2 A That's correct.

3 Q Was that true at 1MDB?

4 A No. It wasn't true. The power and control -- the
5 decisionmaking power really rested within Jho. Everybody at
6 1MDB in the official positions had to go back to him for
7 effectively his approval in that decisionmaking process.

8 Q What was your understanding of the source of Jho Low's
9 authority if he had no official role?

10 A His source really his close relationship with the prime
11 minister, one, Najib Razak and his wife also Rosmah Mansor.
12 It stemmed from that close relationship that he could
13 basically make all of the decisions at 1MDB.

14 Q How did you get that understanding that his power came
15 from his closeness to the prime minister of Malaysia?

16 A From Jho himself from telling us that, being open about
17 it, but quite frankly also from the management team at 1MDB
18 who would very much refer to him as having that power by
19 virtue of him being so close to the prime minister and almost
20 like acting like an agent for the prime minister.

21 Q Did you talk to Jho Low about the prime minister of
22 Malaysia?

23 A We would talk about the prime minister all the time. He
24 would call him The Boss. He would show him messages between
25 him and The Boss, us being Roger and myself. He would show us

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1 or text us some of the messages that -- exchanges that he had
2 with the prime minister.

3 Q Did he call the prime minister by any other names?

4 A He would refer to him as Boss. He would refer on his
5 BlackBerry it was referred -- he had the name Optimus Prime.

6 Q Who was Optimus Prime?

7 A Optimus Prime was the prime minister, Najib Razak.

8 Q Do you know if Jho Low was close to anyone in the prime
9 minister's family?

10 A Yes. He was very close to Rosmah Mansor the wife and he
11 was very close to all the three children he and she shared.

12 Q And how did you know that Jho Low was close to Rosmah
13 Mansor?

14 A He mentioned it all the time. Again, he would share
15 messages with Roger and myself that he had received from
16 Rosmah. He would call her Madam Boss and, you know, he always
17 indicated how close he was. On one flight that I took at some
18 point I think it was from Paris back to Kuala Lumpur, I bumped
19 into Jho Low in that plane and he was literally carrying
20 luxury handbags that he told me were going back to Rosmah as
21 gifts.

22 Q Over the course of time after you learned about Jho Low,
23 did you, in fact, develop a relationship with Jho Low; you,
24 personally?

25 A Yes, I did. Over the years Roger who had -- Roger was

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1 the first point of contact. He had the strongest relationship
2 with Jho for many years, but over time Roger made a point to
3 introduce me to Jho as well and we shared that kind of
4 relationship all the time. And I started to develop a
5 relationship.

6 By the time of the 1MDB transactions that we had
7 been talking about Roger was still the point person, but I was
8 slowly interacting more and more with Jho and forming a closer
9 and closer relationship.

10 Q How did your relationship with Jho Low change after the
11 closing of Project Magnolia?

12 A It changed, of course, quite significantly. The reason
13 was we had established a level of trust during the course of
14 Magnolia. You know, Roger and I were both the champions of
15 the scheme as well as the transactions within Goldman Sachs,
16 but I helped -- I did my share of the work which is, you know,
17 help shepherd the deal through Goldman Sachs and its network
18 with my position and my influence within Goldman Sachs.

19 So I did my job in that respect and that got me
20 closer to Jho, but also post Project Magnolia as I had
21 explained before, when I was trying to get my share of the
22 kickbacks, I offered to him to use the entity I controlled in
23 Hong Kong as a shell company to send out the money. That, of
24 course, you know, turned out to be valuable to Jho and changed
25 our relationship significantly. He trusted me more and more

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1 as a result.

2 THE COURT: Mr. Rolle --

3 MR. ROLLE: Judge, I think it's a fine place to
4 stop.

5 THE COURT: It's 3:30. We are going to end for
6 today. We are not sitting tomorrow, members of the jury,
7 because one of you has a commitment and we are not sitting on
8 Fridays. So I won't see you on Friday either. You will have
9 a long weekend because Monday is a federal holiday. So the
10 Court will be closed. So I will next see you on Tuesday. If
11 you could please be here by 9:45 on Tuesday, we are going to
12 start at 9:45 Tuesday morning. Please remember you cannot
13 discuss the case with anyone. You cannot research the case.
14 You cannot allow anyone to speak to you about the case. You
15 cannot read about it. All of my preliminary instructions,
16 please remember them.

17 Have a great long weekend and I will see you Tuesday
18 at 9:45. Please remember to leave your notes in the jury
19 room. You cannot take your notes home with you.

20 (Jury exits.)

21 THE COURT: Mr. Leissner, you can step out.

22 (Witness steps down.)

23 THE COURT: Please be seated, everyone. Is there
24 anything we need to address?

25 MR. AGNIFILO: Nothing from us, Your Honor.

Proceedings

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1 MS. SMITH: No, Your Honor. We are good.

2 THE COURT: Have a great weekend, everyone.

3 MS. SMITH: We may file a letter just to follow up
4 on the character witness issue from yesterday and the one or
5 two things we highlighted in opening.

6 THE COURT: Okay. Did you discuss them with
7 Mr. Agnifilo?

8 MS. SMITH: It's the same issues.

9 THE COURT: Have the conversation and if it can't be
10 resolved then file it with the Court.

11 MS. SMITH: Thank you, Your Honor.

12 THE COURT: Thank you, everyone.

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14 (Matter adjourned until Tuesday, February 22, 2022
15 at 9:45 a.m.)

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I N D E X

WITNESS

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DIRECT EXAMINATION

BY MR. ROLLE

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E X H I B I T S

Government's Exhibit 6 413

Government Exhibit 1 432

Government Exhibits 4, 5, 7, 12, 13, 16, 17,
19, 20, 21, 22, and 23 460

Government's Exhibit 52 474

Government's Exhibit 3001 503

Government's Exhibit 1976 524